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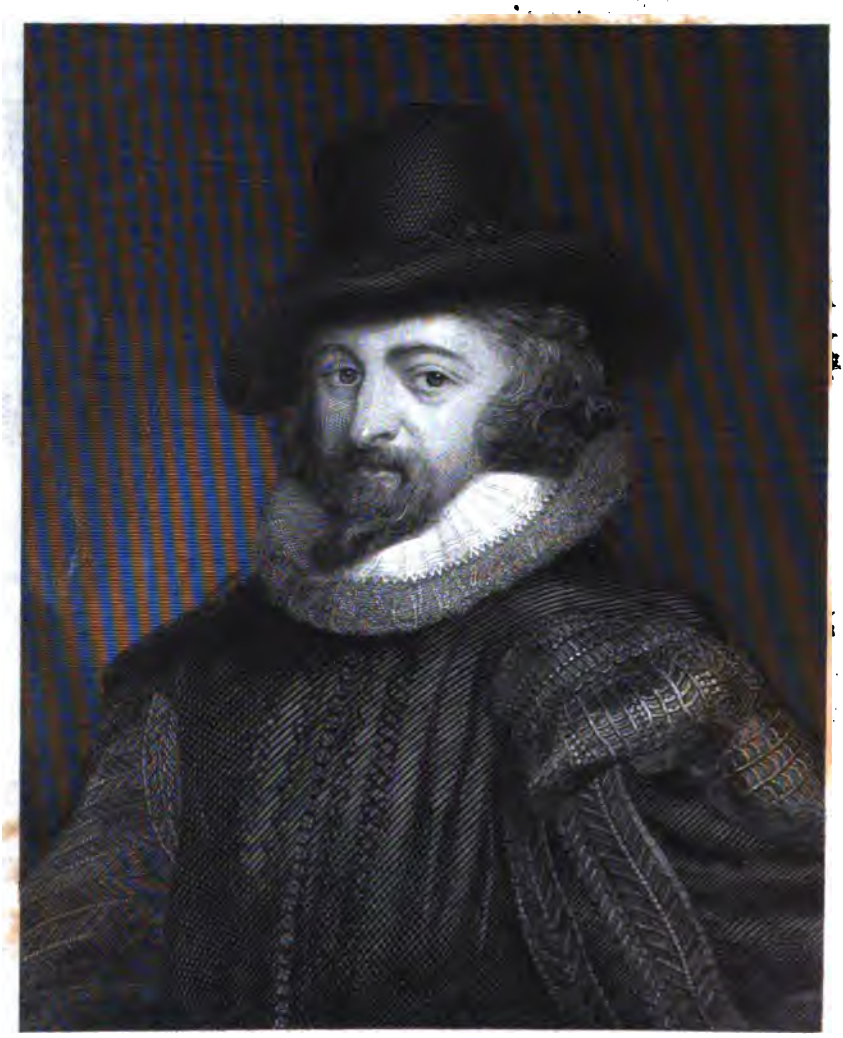

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THE WORKS

OF

LORD BACON.

WITH

AN INTRODUCTORY ESSAY,

AND A PORTRAIT.

IN TWO VOLUMES.

VOL. I.

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INTRODUCTORY ESSAY.

"LORD BACON was the greatest genius that England, or perhaps any other country, has ever produced." So says POPE, after he had penned that bitter couplet upon Bacon, which has passed into a proverb; and the saying is related by Spence.

This is the judgment expressed by a favourite poet, concerning an English writer of the seventeenth century, the formation of which pre-supposes the most exalted qualifications. To be entitled to assert such an opinion *absolutely*, would require almost supernatural endowments, and a universal acquaintance with the famous characters of all countries. It would involve the collation of eras and cycles; it would be, to raise the dead and scrutinize the living—to examine the long muster-roll of the sons of genius, and make a doomsday book of it—to weigh libraries and ransack universities—to glance at all, and single out one, and say, that "this man was the greatest of men—the greatest not of a city, but of the world—not of one age, but of all time."

But although it may not be possible to come to any such absolute conclusion; and to assert it roundly would be as extravagant as gravely to refute it would be ridiculous; and even if it were feasible we have no security for its justice;—the *dictum* is nevertheless a very remarkable one; and, construed in the *probable* sense in which it was evidently spoken, it is a most interesting one. It is the deliberate opinion of a man, who united great genius with consummate judgment, and had won his way to the summit of reputation as a poet; of one who was a vigorous thinker, acute observer, accomplished scholar, and, in short, the foremost man in the most brilliant circle of our Augustan age. He was, also, totally devoid of enthusiasm; and his associations were all of the *nil admirari* caste: with Swift, the bitterest of our satirists, Bolingbroke, the most satiated of libertines and the most disappointed of politicians, Arbuthnot, one of the strongest-minded men of his time,—and many others of contemporary repute; in fact, all his chosen friends were, like himself, professed wits and nothing more—men who could not have done what they did, or been what they were, the ablest critics of life and manners in the language, without throwing away every thing that savoured of strong feeling, zealous affections, or passionate admiration. He was, moreover, not only versed in ancient learning, but well acquainted with modern speculations and discoveries. Locke is always mentioned with the respect of a disciple; he prepared an epitaph for Newton, which speaks for itself; and, when we recollect that the controversy between the ancients and moderns was then raging, it must not merely be admitted that he was entitled to pronounce the opinion which we have quoted, but it may be inferred that the opinion which he gave was that of his age.

We believe that the *dictum* of Pope is the received opinion of the present day; nor will the estimate appear either exaggerated or extravagant, after the careful perusal of these works. The history of such a reputation would be a task far beyond the limits of so brief an Essay as that which is here proposed. It takes a long tract of time to establish such a reputation; and to trace it from its first development, through its successive stages, on to its maturity, would be to examine, with the minutest care, every word which the great author had written, and to observe, with the greatest accuracy, the effect of every word. Testimonies abound from the Elizabethan to the Georgian times, to the fact of this reputation. The testimonies of men who were contemporary with our author—of men who lived at a time when society was trying to settle itself, after a mighty revolution; and gigantic men were rising up in all directions to illustrate the era which they created;—we are told, by Ben Jonson, that Francis Bacon was, even then, on all hands allowed to be first and foremost, as a statesman, orator, and philosopher. This reputation passed unimpaired through the fires of two succeeding revolutions; which were, as much as the first, revolutions of thoughts and opinions, as well as of force and arms, and which alike called into existence men worthy of their stirring crises; and we have the testimony of Alexander Pope, that the impress of this reputation was upon all in his day. And from that time to this, a period during which the most distinguished men, in every department of learning and the arts, have been the most eloquent expounders and successful cultivators of the Baconian philosophy, we shall find that the reputation has travelled down to us but to increase; and that the judgment is as correct, as the basis of it, in these volumes, is irreversible.

The poet, whose opinion we have commented upon, speaks positively as to Bacon being "the greatest genius that England" has produced, and doubtfully as to the rest of the world. But the qualified saying (notwithstanding Mr. Hume's sneer at English self-complacency) is quite enough; and the fellow-countrymen of Shakspeare, Milton, and Newton, if convinced of his pre-eminence here, would find little difficulty in awarding to him the premier place in the "peerage of intellect" every where else. A continental witness may be allowed to speak for Europe; and France, so jealous of her honour in arts and arms, and our only rival if not equal in both, will furnish a modern, unbiassed, and competent one, in the person of D'Alembert, who declares this author to be "the greatest, the most universal, and the most eloquent of philosophers."

But were it possible to settle the bare question of pre-eminence, the decision would be barren of all other use, than that of raising curiosity respecting the individual upon whom the general suffrage fell. Our allusion to it in the outset of these popular observations will be justified, if it stimulate one youthful, or one general reader, in this busy age, to the perusal of these works. Great and overwhelming reputations should be closely examined; in fact, they are subjected to the most rigid scrutiny. The hereditary principle is not acknowledged in the republic of letters; and a perpetual dictatorship would be an office of suffrage there. But each citizen of that republic is bound to exercise the franchise, which is enjoyed by all, for himself; his *vote* is a birthright, springing from his reason and conscience, with which the "voicing" of multitudes can be of no avail. There may be a blind allegiance to a rightful power, as well as a crouching submission to a wrongful one! In the kingdom of mind, which is essentially the kingdom of the free, there is yet too much of this voluntary vassalage; and the great names of wisdom, knowledge, and wit, still receive contemptible tribute. This sort of ignominious self-humiliation in reference to high minds and great truths, is an evident source of endless mischief; and, therefore, whatever may be the renown of a man, let every one "be convinced in his own mind," lest he perform the homage of the horde, and become a mere gregarious admirer.

We invite the reader, whose opinion of this author has not been derived from the study of his works, to try the experiment for himself. For what matters to him the fact of their unparalleled influence, or undiminished value, if he take it for granted, and judge not for himself? The test is not, what effect they produced on former individuals, but what positive and absolute effect will they have on any reader now; in order that it may be seen whether or not a writer of the olden time has been enabled, as it were, to "keep alive his own soul" to these times; by nothing less than the immortality which belongs to general truths of equal splendour and utility, clearly, gravely, and nobly announced. Without anticipating the reader's decision, he will then be entitled to abate or swell the triumph of "the greatest genius that England, or perhaps any other country, has produced."

Before entering upon our brief examination of these works undertaken with a view to facilitate the beginnings of inquiry, we shall interpose, with a few omissions, "The Life of the Honourable Author," written by Doctor Rawley, "his Lordship's first and last Chapleine;" as it gives a sufficient, though summary view of the author's life; and has the further recommendation of being a translation by the devoted "Chapleine" himself, of the "Nobilissimi Auctoris Vita," prefixed to the *Instauratio Magna*, at p. 276, in the second volume of this edition.

"THE LIFE OF THE HONOURABLE AUTHOR.

"Francis Bacon, the glory of his age and nation, the adorner and ornament of learning, was born in York House, or York Place, in the Strand, on the 22nd day of January, in the year of our Lord 1560. His father was that famous counseller to Queen Elizabeth, the second propp of the kingdome in his time, Sir Nicholas Bacon, Knight, lord keeper of the great seal of England, a lord of known prudence, sufficiency, moderation, and integrity. His mother was Ann Cook, one of the daughters of Sir Anthony Cook, unto whom the erudition of King Edward the Sixth had been committed: a choyce lady, and eminent for piety, vertue, and learning; being exquisitely skilled, for a woman, in the Greek and Latin tongues. These being the parents, you may easily imagine what the issue was like to be; having had whatsoever nature or breeding could put into him.

His first and childish years were not without some mark of eminency, at which time he was endued with that pregnancy and towardness of wit, as they were presages of that deep and universal apprehension, which was manifest in him afterward: and caused him to be taken notice of by several persons of worth and place; and, especially, by the queen; who (as I have been informed) delighted much then to confer with him, and to prove him with questions: unto whom he delivered himself with that gravity and maturity, above his years, that her Majesty would often term him, the young lord keeper.

At the ordinary years of ripeness for the university, or rather something earlier, he was sent by his father to Trinity Colledge, in Cambridge, to be educated and bred under the tuition of Doctor John Whitegift, then master of the colledge, afterwards the renowned Archbishop of Canterbury; under whom he was observed to have been more then an ordinary proficient in the severall arts and sciences. Whilst he was commorant in the university, about sixteen years of age, (as his lordship hath been pleased to impart unto myself,) he first fell into the dislike of the philosophy of Aristotle, not for the worthlesnesse of the authour, to whom he would ever ascribe all high attributes; but for the unfruitfulnesse of the way, being a philosophy, (as his lordship used to say,) onely strong for disputations and contentions, but barren of the production of works for the benefit of the life of man; in which mind he continued to his dying day.

After he had passed the circle of the liberall arts, his father thought fit to frame and mould him for the arts of state: and for that end, sent him over into France, with Sir Amyas Paulet, then employed ambassadour lieger into France; by whom he was, after a while, held fit to be entrusted with some message or advertisement to the queen; which having performed with great approbation, he returned back into France again, with intention to continue for some years there. In his absence in France, his father the lord keeper died; having collected (as I have heard of knowing persons) a considerable summe of money, which he had separated, with intention to have made a competent purchase of land, for the lively-hood of this his youngest son; (who was onely unprovided for, and though he was the youngest in years, yet he was not the lowest in his father's affection;) but the said purchase, being unaccomplished at his father's death, there came no greater share to him, than his single part and portion of the money dividable amongst five brethren: by which meanes he lived in some streits and necessities in his younger years. For as for that pleasant scite and mannour of Gorhambury, he came not to it till many years after, by the death of his dearest brother, Mr. Anthony Bacon.

Being returned from travaile, he applyed himself to the study of the common law, which he took upon him to be his profession; in which he obtained to great excellency, though he made that (as himself said) but as an accessary, and not as his principall study. He wrote severall tractates upon that subject. In this way, he was after a while sworn of the queen's counsel learned extraordinary; a grace (if I err not) scarce known before. He seated himself, for the commodity of his studies and practise, amongst the honourable society of Greyes Inn; of which house he was a member, where he erected that elegant pile, or structure, commonly known by the name of the Lord Bacon's lodgings: which he inhabited, by turns, the most part of his life, (some few years onely excepted,) unto his dying day. In which house he carried himself with such sweetnesse, comity, and generosity, that he was much revered and loved by the readers and gentlemen of the house.

Notwithstanding that he professed the law, for his livelyhood and subsistence; yet his heart and affection was more carried after the affaires and places of estate; for which, if the Majesty royall then had been pleased, he was most fit. In his younger years, he studied the service and fortunes (as they call them) of that noble, but unfortunate earl, the Earl of Essex; unto whom he was in a sort a private and free counseller; and gave him safe and honourable advice, till in the end the Earl inclined too much to the violent and precipitate counsell of others, his adherents and followers; which was his fate, and ruine.

His birth, and other capacities, qualified him above others of his profession, to have ordinary accesses at court; and to come frequently into the queen's eye, who would often grace him with private and free communication; not onely about matters of his profession, or businesse in law, but also about the arduous affairs of estate; from whom she received, from time to time, great satisfaction. Nevertheless, though she cheered him much with the bounty of her countenance, yet she never cheered him with the bounty of her hand; having never conferred upon him any ordinary place, or means, of honour or profit; save onely one dry reversion of the register's office, in the star-chamber, worth about 1600*l.* per annum; for which he waited in expectation either fully or near twenty years: of which his lordship would say, in Queen Elizabeth's time, that it was like another man's ground buttalling upon his house; which might mend his prospect, but it did not fill his barn. Nevertheless, in the time of King James, it fell unto him; which might be imputed not so much to her Majesty's aversenesse, or disaffection towards him, as to the arts and policy of a great statesman then, who laboured by all industrious and secret means to suppresse and keep him down; lest, if he had risen, he might have obscured his glory.

But though he stood long at a stay in the dayes of his mistresse, Queen Elizabeth; yet, after the change, and coming in of his new master, King James, he made a great progresse; by whom he was much comforted, in places of trust, honour, and revenue. I have seen a letter of his lordship's to King James, wherein he makes acknowledgement, that he was that master to him, that had raysed and advanced him nine times; thrice in dignity, and sixe times in office. His offices (as I conceive) were, Counsel Learned Extraordinary to his Majesty, as he had been to Queen Elizabeth; king's Solliciter-generall; his Majesty's Atturney-generall; Counseller of Estate, being yet but Atturney; Lord Keeper of the Great Seal of England; lastly, Lord Chanceller: which two last places, though they be the same in authority and power, yet they differ in patent, heigth, and favour of the prince: since whose time, none of his successours did ever bear the title of Lord Chanceller. His dignities were, first, Knight, then Baron of Verulam, lastly, Viscount Saint Alban: besides other good gifts, and bounties of the hand, which his Majesty gave him, both out of the broad seal, and out of the alienation office.

Towards his rising years, not before, he entred into a married estate; and took to wife, Alice, one of the daughters and co-heires of Benedict Barnham, Esquire, and alderman of London; with whom he received a sufficiently ample and liberall portion in marriage. Children he had none; which though they be the means to perpetuate our names after our deaths, yet he had other issues to perpetuate his name, the issues of his brain; in which he was ever happy, and admired; as Jupiter was in the production of Pallas. Neither did the want of children detract from his good usage of his consort, during the intermarriage: whom he prosecuted with much conjugall love and respect, with many rich gifts and endowments; besides a roab of honour, which he invested her withall; which she wore untill her dying day, being twenty years, and more, after his death.

The last five years of his life, being withdrawn from civill affaires, and from an active life, he employed wholy in contemplation and studies; a thing whereof his lordship would often speak, during his active life; as if he affected to dye in the shadow, and not in the light; which also may be found in severall passages of his works. In which time he composed the greatest part of his books and writings, both in English and Latin; which I will enumerate (as near as I can) in the just order wherein they were written. *The History of the Reign of King Henry the Seventh; Abecedarium Naturæ*, or a metaphysicall piece, which is lost; *Historia Ventorum; Historia Vitæ et Mortis; Historia Densi et Rari*, not yet printed; *Historia Gravis et Levis*, which is also lost; *A Discourse of a War with Spain; A Dialogue touching an Holy War;* the fable of the *New Atlantis; A Preface to a Digest of the Lawes of England; The Beginning of the History of the Reign of King Henry the Eighth; De Augmentis Scientiarum*, or *The Advancement of Learning* put into Latin, with severall enrichments and enlargements; *Counsells Civill and Morall*, or his book of *Essayes*, likewise enriched and enlarged; *The Conversion of certain Psalms into English Verse. The Translation into Latin of the History of King Henry the Seventh;* of the *Counsells, Civill and Morall;* of the *Dialogue of the Holy War;* of the fable of the *New Atlantis;* for the benefit of other nations. His revising of his book, *De Sapientia Veterum. Inquisitio de Magnete; Topica Inquisitionis de Luce et Lumine;* both these not yet printed. Lastly, *Sylva Sylvarum*, or the *Naturall History*. These were the fruits and productions of his last five years. His lordship also designed, upon the motion and invitation of his late Majesty, to have written *The Reign of King Henry the Eighth;* but that work perished in the designation meerly, God not lending him life to proceed further upon it, then onely in one morning's work: whereof there is extant an ex ungue leonem, already printed, in his lordship's miscellany works.

There is a commemoration due, as well to his abilities and vertues, as to the course of his life. Those abilities which commonly goe single in other men, though of prime and observable parts, were all conjoyned and met in him: those are, sharpness of wit, memory, judgement, and elocution.

I have been enduced to think, that if there were a beame of knowledge derived from God upon any man, in these modern times, it was upon him. For though he was a great reader of books, yet he had not his knowledge from books; but from some grounds and notions from within himself; which, notwithstanding, he vented with great caution and circumspection. His book of *Instauratio Magna*, (which, in his own account, was the chiefest of his works,) was no slight imagination or fancy of his brain; but a setled and concocted notion, the production of many years' labour and travell. I myself have seen at the least twelve coppies of the *Instauration* revised year by year, one after another; and every year alterd, and amended, in the frame thereof; till at last it came to that modell, in which it was committed to the presse.

He was no plodder upon books, though he read much; and that with great judgement, and rejection of impertinences, incident to many authours: for he would ever interlace a moderate relaxation of his minde with his studies, as walking, or taking the aire abroad in his coach, or some other befitting recreation: and yet he would loose no time, in as much as upon his first and immediate return, he would fall to reading again; and so suffer no moment of time to slip from him, without some present improvement.

His meales were refections of the eare, as well as of the stomack: like the *noctes atticæ*, or *convivia deipnosophistarum*; wherein a man might be refreshed in his minde and understanding, no lesse than in his body. And I have known some of no mean parts, that have professed to make use of their note-books, when they have risen from his table; in which conversations, and otherwise, he was no dashing man, as some men are, but ever a countenancer and fosterer of another man's parts. Neither was he one that would appropriate the speech wholy to himself; or delight to out-vie others, but leave a liberty to the co-assessours to take their turns: wherein he would draw a man on, and allure him to speak upon such a subject, as wherein he was peculiarly skilfull, and would delight to speak. And for himself, he contemned no man's observations, but would light his torch at every man's candle.

His opinions and assertions were, for the most part, binding, and not contradicted by any; rather like oracles then discourses; which may be imputed, either to the well weighing of his sentence, by the skales of truth and reason; or else, to the reverence and estimation wherein he was commonly had, that no man would contest with him: so that there was no argumentation, or *pro* and *con*, (as they term it,) at his table, or if their chanced to be any, it was carried with much submission and moderation.

I have often observed, and so have other men of great account, that if he had occasion to repeat another man's words after him, he had an use and faculty to dresse them in better vestments and apparell then they had before: so that the authour should finde his own speech much amended, and yet the substance of it still retained: as if it had been naturall to him to use good forms; as Ovid spake of his faculty of versifying,

'Et quod tentabam scribere, versus erat.'

When his office called him, as he was of the king's counsell learned, to charge any offenders, either in criminals or capitals, he was never of an insulting or domineering nature over them; but alwayes tender-hearted, and carrying himself decently towards the parties; (though it was his duty to charge them home;) but yet as one, that looked upon the example with the eye of severity, but upon the person with the eye of pitty and compassion. And in civill businesse, as he was counseller of estate, he had the best way of advising; not engaging his master in any precipitate or grievous courses, but in moderate and fair proceedings: the king whom he served giving him this testimony, that he ever dealt in businesse *suavibus modis*, which was the way that was most according to his own heart.

Neither was he in his time lesse gracious with the subject, then with his soveraign: he was ever acceptable to the House of Commons, when he was a member thereof. Being the king's atturney, and chosen to a place in parliament, he was allowed and dispenred with to sit in the House; which was not permitted to other atturneys.

And as he was a good servant to his master, being never, in nineteen years' service, (as himself averred,) rebuked by the king, for any thing relating to his Majesty; so he was a good master to his servants, and rewarded their long attendance with good places, freely, when they fell into his power; which was the cause, that so many young gentlemen of bloud and quality sought to list themselves in his retinew: and if he were abused by any of them in their places, it was onely the errour of the goodnesse of his nature, but the badges of their indiscretions and intemperances.

This lord was religious; for though the world be apt to suspect and prejudge great wits and politicks to have somewhat of the atheist, yet he was conversant with God; as appeareth by several passages throughout the whole current of his writings: otherwise he should have crossed his own principles; which were, that "a little philosophy maketh men apt to forget God, as attributing too much to second causes; but depth of philosophy bringeth a man back to God again." Now, I am sure there is no man that will deny him, or account otherwise of him, but to have been a deep philosopher. And not onely so, but he was able to render a reason of the hope which was in him; which that writing of his, of the *Confession of the Faith*, doth abundantly testifie. He repaired frequently, when his health would permit him, to the service of the church, to hear sermons, to the administration of the sacrament of the blessed body and bloud of Christ; and died in the true faith, established in the church of England.

This is most true, he was free from malice; which (as he said himself) he never bred nor fed. He was no revenger of injuries; which if he had minded, he had both opportunity and place high enough to have done it. He was no heaver of men out of their places, as delighting in their ruine and undoing. He was no defamer of any man to his prince.

His fame is greater, and sounds louder, in forraign parts abroad, then at home in his own nation. Divers of his works have been anciently and yet lately translated into other tongues, both learned and modern, by forraign pens. Severall persons of quality, during his lordship's life, crossed the seas on purpose to gain an opportunity of seeing him, and discoursing with him.

But yet, in this matter of his fame, I speak in the comparative onely, and not in the exclusive. For his reputation is great in his own nation also; especially amongst those that are of a more acute and sharper judgement; which I will exemplifie but with two testimonies, and no more: the former, when his *History of King Henry the Seventh* was to come forth, it was delivered to the old Lord Brooke, to be perused by him, who, when he had dispatched it, returned it to the authour with this eulogy; "Commend me to my lord, and bid him take care to get good paper and inke; for the work is incomparable." The other shall be that of Doctor Samuel Collins, late Provost of King's Colledge, in Cambridge, a man of no vulgar wit, who affirmed unto me, that when he had read the book of the *Advancement of Learning*, he found himself in a case to begin his studies anew; and that he had lost all the time of his studying before.

It hath been desired, that something should be signified touching his diet, and the regiment of his health; of which, in regard of his universall insight into nature, he may (perhaps) be to some an example. For his diet, it was rather a plentifull and liberall diet, as his stomack would bear it, then a restrained; which he also commended in his book of the *History of Life and Death*. In his younger years he was much given to the finer and lighter sort of meats, as of fowles and such like; but afterward, when he grew more judicious, he preferred the stronger meats, such as the shambles afforded, as those meats which bred the more firm and substantiall juyces of the body, and lesse dissipable; upon which he would often make his meal, though he had other meats upon the table. You may be sure he would not neglect that himself, which he so much extolled in his writings; and that was the use of nitre, whereof he took in the quantity of about three grains, in thin warm broath, every morning, for thirty years together, next before his death. And for physick, he

did indeed live physically, but not miserably: for he took onely a maceration of rhubarb, infused into a draught of white wine and beer, mingled together for the space of half an hour, once in six or seven dayes, immediately before his meal, (whether dinner or supper,) that it might dry the body lesse: which (as he said) did carry away frequently the grosser humours of the body; and not diminish or carry away any of the spirits, as sweating doth; and this was no grievous thing to take. As for other physick, in an ordinary way, (whatsoever hath been vulgarly spoken,) he took not. His receit for the gout, which did constantly ease him of his pain within two hours, is already set down in the end of the *Naturall History*.

It may seem the moon had some principall place in the figure of his nativity; for the moon was never in her passion, or eclipsed, but he was surprized with a sudden fit of fainting: and that though he observed not, nor took any previous knowledge of, the eclipse thereof: and as soon as the eclipse ceased, he was restored to his former strength again.

He died on the 9th day of Aprill, in the year 1626, in the early morning of the day then celebrated for our Saviour's resurrection, in the sixty-sixth year of his age, at the Earle of Arundell's house, in High-gate, near London; to which place he casually repaired about a week before; God so ordaining, that he should dye there of a gentle feaver, accidentally accompanied with a great cold; whereby the defluxion of rheume fell so plentifully upon his breast, that he died of suffocation: and was buried in Saint Michael's church, at Saint Alban's; being the place designed for his buriall by his last will and testament; both because the body of his mother was interred there, and because it was the onely church then remaining within the precincts of old Verulam: where he hath a monument erected for him of white marble; (by the care and gratitude of Sir Thomas Meautys, Knight, formerly his lordship's secretary; afterwards clark of the king's honourable privy counsell, under two kings;) representing his full pourtraiture, in the posture of studying; with an inscription, composed by that accomplisht gentleman, and rare wit, Sir Henry Wotton.

But howsoever his body was mortall, yet no doubt his memory and works will live; and will, in all probability last as long as the world lasteth. In order to which I have endeavoured (after my poor ability) to do this honour to his lordship, by way of conducing to the same."

His first publication was a small duodecimo volume, of what he is pleased in his letter dedicatory to his brother, who was said to have been his equal in height of wit, to call "fragments of his conceits;" but though comprised within thirteen double pages, it contains the germ of his most popular work, and warrants the expectation of the most profound. It is almost needless to add that this unpretending volume was the *Essays;* which have obtained a universal reputation. The first edition appeared in 1597, under the title of *Essayes, Religious Meditations, Places of Persuasion and Dissuasion seene and allowed;* for full information respecting which, and successive editions, the admirers of Bacon are indebted to the singular but usual industry of Mr. Basil Montagu. The author was then in his thirty-eighth year, and the few early letters will of course acquaint us with his position at the time of this publication. But neither were the ten Essays that first appeared, which, we are informed, "passed long agoe from his pen," nor the invaluable additions, dashed off in a heat,—they bear no marks of haste—they do not seem to have been suggested by accidents, or excogitated under any pressure from without. Bacon had by this time "seene" much of the world of men; and that of books, from first to last, was his own. His training was admirable, his access as a courtier complete, his acquaintance with the illustrious officers of the Virgin Queen, and his friendship with "her Majesty's servants," from the Madrigalist up to "Rare Ben," and "Sweet Will Shakspeare," familiar; and, without adverting to professional collisions and disappointments, all these advantages taught an apt scholar experience, and enabled him to draw those lessons, founded upon human nature and life, which "will last while books last." The struggle between ambition and philosophy had long been going on, and it is not easy to say which had the final advantage. In the beautiful letter to his brother he says, "I sometimes wish your infirmities translated upon myself, that her Majesty might have the service of so active and able a mind, and I might be with excuse confined to these contemplations and studies for which I am fittest." The *Essays*, like his other writings, derive their uniform charm from the interfusion of the philosophical and practical, occasioned by this conflict of passions for the mastery; his personal travels being the condition upon which he was to be justified in saying, twenty-eight years afterwards, in reference to the complete edition, that they "came home to men's business and bosoms."

The *Essays* were great favourites with the public from the first, and their instant appreciation, while it does honour to the taste of the age, was soon repaid by revisions, enlarge-

ments, and additions to their number. Only ten appeared in the first edition, and the way in which the golden sentences were printed, might still be continued with advantage. The beginning, for instance, of the first Essay, *of Studie*, is thus divided into sections or verses, and the rest are similarly segregated.

"¶ Read not to contradict nor to believe, but to weigh and consider.

"¶ Some books are to be tasted, others swallowed, and some few to be chewed and digested; that is, some books are to be read only in parts, others to be read but cursorily, and some few to be read wholly and with diligence and attention.

"¶ Histories make men wise, poets witty, the mathematics subtle, natural philosophy deep, moral grave, logic and rhetoric able to contend."

Each sentence is an aphorism—every paragraph maximized—and the thirty new Essays, which, notwithstanding his "continual service," are found in the fourth edition published in 1612, under the title of *The Essaies of Sir Francis Bacon, Knight, the King's Solicitor-General*, are each so compactly elaborated of axiomatic members, as to bear this test of separation.

Sir Francis intended to have dedicated this edition to Henry Prince of Wales, but the untimely death of that noble youth in the November of that year, and his "deare brother Master Antony Bacon being also dead," he selects his brother-in-law, Sir John Constable, Knight, for this honour. The letter to the prince is worthy of both parties. The style of access which our author invariably adopts, "It may please your Highness," (itself an innovation on the classical style of the 15th century, "Please it your Highness,") was soon afterwards altered to its present form of, "May it please your Highness."

"It may please your Highness,—having divided my life into the contemplative and active part, I am desirous to give his Majesty and your Highness of the fruits of both, simple though they be. To write just treatises requireth leisure in the writer, and leisure in the reader, and therefore are not so fit, neither in regard of your Highness's princely affairs, nor in regard of my continual service; which is the cause that hath made me choose to write certain brief notes, set down rather significantly than curiously, which I have called Essays. The word is late, but the thing is ancient; for Seneca's epistles to Lucilius, if you mark them well, are but essays, that is, dispersed meditations, though conveyed in the form of epistles. These labours of mine I know cannot be worthy of your Highness; for what can be worthy of you? But my hope is, they may be as grains of salt, that will rather give you an appetite than offend you with satiety; and although they handle those things wherein both men's lives and their persons are most conversant, yet what I have attained I know not, but I have endeavoured to make them not vulgar, but of a nature whereof a man shall find much in experience, and little in books; so as they are neither repetitions nor fancies. But, however, I shall most humbly desire your Highness to accept them in gracious part, and to conceive that if I cannot rest, but must show my dutiful and devoted affection to your Highness, in these things which proceed from myself, I shall be much more ready to do it in performance of any of your princely commandments."

This is an essay of itself—one of the "certain brief notes, though conveyed in the form of epistles,"—while it professes to be an account of the work presented. It is an account such as none but himself could have given, nor has it been equalled since. The truest and finest characters of these productions are to be found in the dedicatory letters.

The short letter to his "worthy brother-in-law" is an effusion of perfect kindliness.

"My last Essays I dedicated to my dear brother Mr. Antony Bacon, who is with God. Looking amongst my papers this vacation, I found others of the same nature, which if I myself shall not suffer to be lost, it seemeth the world will not, by the often printing of the former. Missing my brother, I found you next in respect of bond both of near alliance and of strait friendship and society, and particularly of communication in studies, wherein I

must acknowledge myself beholden to you. For as my business found rest in my contemplations, so my contemplations will find rest in your loving conference and judgment."

The Essay *of Friendship* appeared for the first time in this edition, and it was probably written at the request of his most faithful friend Matthew, whose name is so frequently and honourably mentioned in the letters. Who were Bacon's friends? There were high companions for him; and he was a member of a club with Raleigh, Ben Jonson, and Shakspeare. The successive editions of the *Essays* were by no means mere reprints; for instance, the Essay *of Study* has been adduced in illustration of what he says in reference to his "great work," that "after my manner I always alter where I add; so that nothing is finished till all is finished." This Essay in the first edition ends with the words "able to contend;" it is admirably continued in the fourth, the previous portions of it also receiving some exquisite touches. There is not, however, any omission of previous matter, and therefore it is incorrectly asserted by an able writer in the Edinburgh Review, (No. 126,) on *the Study of Mathematics*, that "in the first edition of his Essays Bacon says, mathematics make men subtile;" but having learned better in the interval, in the second, (meaning the fourth,) which appeared fifteen years thereafter, he withdrew this commendation, and substituted the following, which stands unaltered in all the after-editions; "If a man's wit be wandering let him study the mathematics, &c." The fact is, the passage "rashly admitted" is, whether rashly or not, retained, and it stands in all the after-editions exactly as we have quoted it from the first. The reviewer's point, however, that Bacon commends a study of the schoolmen as the discipline of subtilty and discrimination, cannot be disputed.

The author's last and perfect edition appeared in 1625, under the new title of *the Essays, or Counsels civil and moral, of Francis Verulam Viscount St. Alban's, newly enlarged.* There are eighteen new Essays in this edition, making fifty-eight in all; and of the two which the reader will find added to the list, that of a king is counterfeit; it does not bear the royal mark: the *Fragment on Fame* is unquestionably genuine; and as that on *Death* is more than doubtful, it is not incorporated with the others, but inserted further forward in this edition. His *Religious Meditations*, and *Places of Persuasion and Dissuasion*, were not reprinted in this edition. The title of the former was dropped, but the matter of the respective reflections has been preserved, either in the *Essays*, or in the Latin translation. The latter, as will be seen, reappears in the *De Augmentis*. The *Meditations* were twelve in number, and all, except the first, are headed with appropriate texts of Scripture. The second is quite a gem, and does not seem to have been transferred to the *Essays*.

OF THE MIRACLES OF OUR SAVIOUR.

"He hath done all things well."

"A true confession and applause.—God, when hee created all things, saw that every thing in particular, and all thinges in generall, were exceeding good. God the Word, in the miracles which he wrought, (now every miracle is a new creation, and not according to the first creation,) would doe nothing which breathed not towards men favour and bounty. Moses wrought miracles, and scourged the Egyptians with many plagues. Elias wrought miracles, and shut up heaven, that no raine should fall upon the earth; and againe, brought down from heaven the fire of God upon the captains and their bands. Elizeas wrought also, and called beares out of the desert to devoure young children. Peter struck Ananias the sacrilegious hypocrite with present death; and Paul, Elimas the sorcerer with blindness: but no such thing did Jesus; the Spirit of God descended down upon him in the form of a dove, of whom he said, You knowe of what spirit you are. The Spirit of Jesus is the spirit of a dove. Those servants of God were as the oxen of God treading out the corne, and trampling the straw

down under their feete; but Jesus is the Lamb of God, without wrath or judgments. All his miracles were consummate about man's body, as his doctrine respected the soule of man. The body of man needeth these things, sustenance, defence from outward wrongs, and medicine: it was Hee that drew a multitude of fishes into the netts that he might give unto men more liberall provission. Hee turned water, a lesse worthy nourishment of man's body, into wine, a more worthy, that glads the heart of man. Hee sentenced the fig-tree to wither for not doing that duty whereunto it was ordained, which is to beare fruit for men's food. Hee multiplied the scarcity of a few loaves and fishes to a sufficiency to victuall an hoast of people Hee rebuked the winds that threatened destruction to the seafaring men: hee restored motion to the lame, light to the blind, speech to the dumbe, health to the sicke, cleannesse to the leprous, a right mind to those that are possessed, and life to the dead. No miracle of His is to be found to have beene of judgment or revenge, but all of goodness and mercy, and respecting man's body; for as touching riches he did not vouchsafe to doe any miracles, save one only that tribute might be given to Cæsar."

The comment on the three verses with which he *mottoes* the 9th Meditation is very close and happy.

OF THE SEVERAL KINDS OF IMPOSTURE.

"Avoiding prophane strangenesse of words, and oppositions of knowledge, falsely so called.
Avoid fond and idle fables.
Let no man deceive you by high speech."

"There are three formes of speaking, which are as it were the stile and phrase of imposture. The first kinde is of them, who as soon as they have gotten any subject or matter do straight cast it into an art, inventing new termes of art, reducing all into divisions and distinctions, thence draweth assertions or oppositions, and so framing oppositions by questions and answers. Hence issueth the cobwebbes and clatterings of the schoole-men.

"The second kinde is of them who out of the vanity of their witte, (as church-poets,) doe make and devise all variety of tales, stories, and examples, whereby they may leade men's mindes to a beliefe: from whence did grow the legendes and infinite fabulous inventions and dreames of the auncient hereticks.

"The third kinde is of them who fill men's ears with mysteries, high parables, allegories, and illusions; with mystical and profounde forme many of the hereticks also made choise of. By the first kinde of these the capacity and wit of man is fettered and entangled; by the second, it is trained on, and inveigled; by the third it is astonished and enchanted; but by every of them the while it is seduced and abused."

The "third kinde" is an exact description of the transcendental philosophy.

But to return to the *Essays* themselves. The last and proudest of the dedicatory letters is devoted to the Duke of Buckingham. "I do now publish (says the ex-chancellor) my Essays, which of all my works have been most current: for that, as it seems, they come home to men's business and bosoms. I have enlarged them both in number and weight, so that they are indeed a new work. I thought it therefore agreeable to my affection and obligation to your Grace, to prefix your name before them, both in English and in Latin: for I do conceive that the Latin volume of them being in the universal language may last as long as books last. My Instauration I dedicated to the king: my History of Henry the Seventh, which I have now also translated into Latin, and my portions of Natural History, to the prince: and these I dedicate to your Grace; being of the best fruits that, by the good increase which God gives to my pen and labours, I could yield. God lead your Grace by the hand."

The noble author had no faith in the permanence of modern languages. He predicts, with assurance absolute, that "they will at one time or other play the bankrupt with books." But why? Perhaps the fate of Chaucer haunted him; and it was certainly his policy in regard to his foreign as well as home readers, to conform in his scientific traductions to the pedantry of his time. His native tongue is now more richly endowed than that of his choice, and both hemispheres have guaranteed its integrity. "Since I have lost much time with this age, I would be glad, as God shall give me leave, to recover it with posterity." It is fortunate that he did not always appeal to "Prince Posterity" in a dead language; and the renown of the "great worke" would have been more commensurate with its utility, had he employed his own beautiful English, instead of the scholastic vehicle, to express the systematic grandeur and depth of his thoughts. What, for instance, to say nothing of Greek and Roman precedent, would have been the popularity of Locke's *Essay*, if he had wrapped it up in modern Latin, and left his countrymen to the tardy alms of the translator?

His final opinion of these productions, and his intention to add to their number, must not be passed over. "As for my Essays, I count them but as the recreations of my other studies, and in that sort purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and embracement, perhaps, yield more lustre and reputation to my name than those other which I have in hand."

The *Essays* were published in French and Italian during the author's life, and it is rather surprising that Bayle does not notice them specifically in his Dictionary. Mr. Montagu informs us that the first book published in Philadelphia consisted partly of the *Essays*. Would any modern colony bear such a first book? The Latin translation was a work performed by divers hands, to which he gave, says Tennyson, the title of *Sermones Fideles*, after the manner of the Jews, who called the word Adagies, or observations of the wise, faithful sayings, that is, credible propositions, worthy of firm assent and ready acceptance.

Succeeding essayists must be content to occupy a lower place than the author of this celebrated volume, and therefore we never find it printed with the British Essayists. There is nothing ephemeral about it. Critics of books and manners are not entitled to rank with the critic of nature and life. Written by a scholar, courtier, and wit, without pedantry, modishness, or flippancy, the utmost reach of practical insight is blended with the views of the sage; the freshness of first thoughts is not lost in the finish of reflection. They were begun in the midst of hope, amplified in the midst of ambition, and concluded in the throng of bitter memories, rendered keener by the loftiest presages. Any particular examination of the style or principles of these dissertations would be superfluous. Their general tendency is as useful as their workmanship is beautiful. The late Dugald Stewart classes them "under the head of Ethics," and gives an excellent account of "the small volume, the best known and most popular of his works. It is also one of those where the superiority of his genius appears to the best advantage, the novelty and depth of his reflections often receiving a strong relief from the triteness of the subject. It may be read from beginning to end in a few hours; and yet after the twentieth perusal, one seldom fails to remark in it something overlooked before. This is indeed a characteristic of all Bacon's writings; and is only to be accounted for by the inexhaustible aliment they furnish our own thoughts, and the sympathetic activity they impart to our torpid faculties." Sir James Mackintosh considers, that though the book has been praised with equal fervour by Voltaire, Johnson, and Burke, it has never been characterized with such exact justice as in this extract. We prefer Dr. Johnson's dictum (if his it can be called, after the quoted letter to Prince Henry): "Their excellence and their value consist in their being observations of a strong mind operating upon life, and consequently you find there what you seldom find in any other works." "They operate upon life,"—upon moral, physical, and spiritual subjects. They might be called the common sense of a great man collated with human affairs; but it is the common

sense of a superlative genius, generalizing upon multifarious observation, and so pervaded with the savour of high and various experience, as to come home to every bosom. Each Essay is composed of materials excursively gathered up, and well marshalled; every sentence might be called a self-contained one, and yet all combine to form or illustrate a perfect whole: the connexion and the condensation are equally remarkable. It was his art to keep out of sight the intermediate links by which one proposition is really, though not apparently, bound to another. The chasm seems cleared by a sort of imperial prerogative, but it was literally travelled through by logic. In short, each Essay is composed of fine and weighty thoughts, "natural but not obvious," heightened by being independently just, and promoting a common object without the ceremony of an introduction. Much is left out that must have been thought out, or the duodecimo would more than fill a folio.

One of the first men of his time, the late Sir James Mackintosh, whose admiration of Bacon was habitual and unbounded, thus concludes a letter to a young friend on a course of study; but lest the advice should be deemed a mere epistolary hyperbole, let the reader consult two grave notes in his *Dissertation*, wherein he styles our author the "master of wisdom," and says his writings are still as delightful and wonderful as they ever were, and his authority will have no end:—"and as the result of all study, and the consummation of all wisdom, Bacon's Essays, to be read and converted into part of the substance of your mind."

The fragment of *the Colours of Good and Evil*, which has often been separately published, deserves an attentive study and perusal, not merely on account of its intrinsic merit and subsequent position in the *De Augmentis Scientiarum*, under the head of Rhetoric, but as having been one of the writings first printed with the *Essays*, which it resembles in the result, if not in the mode. The present title does not seem so appropriate as that of *Places of Persuasion and Dissuasion*, which was adopted in the first edition. Bacon says he was moved to dedicate this writing to Lord Mountjoye "after the ancient manner, choosing both a friend, and one to whom he conceived the argument was agreeable." The dedication, indeed, may be referred to as the best exposition of his design. The performance is original; there was nothing like it before; and the loss has not yet been supplied of his more extensive collection of these "colours, popularities and circumstances, which are of such force as they sway the ordinary judgment both of a weak man and of a wise man, not fully attending or pondering the matter." There can be no doubt either of the utility or difficulty of this undertaking. "Nothing can be of greater use and defence to the mind than the discovery and reprehension of these colours, (or, as he elsewhere calls them, 'popular marks, or colours, of apparent good and evil,') showing in what cases they hold, and in what they deceive; which as it cannot be done but out of a very universal knowledge of the nature of things, so being performed, it so cleareth a man's judgment and election, as it is the less apt to slide into any error." The task is required at the hands of those "who are patient to stay the digesting and soluting unto themselves of that which is sharp and subtle."

The *Collection of Apophthegms* is only remarkable as having been "made out of his memory, without turning to any book, in one morning." The admirers of Lord Chesterfield will not approve of his not omitting "any because they are vulgar, for many vulgar ones are excellent good;" still his censure of the collections of Stobæus and others, that they "draw much of the dregs," is by no means inapplicable to his own. In fact they are unworthy of Bacon. Lord Byron has a curious memorandum in his "Diary of 1821." On the 5th January, among other things, we have the following vigil; "Mem.—Ordered Fletcher (at four o'clock this afternoon) to copy out seven or eight apophthegms of Bacon, in which I have detected such blunders as a school-boy might detect, rather than commit. Such are the sages! What must they be, when such as I can stumble on their mistakes or misstatements? I will go to bed, for I find that I grow cynical."

Next morning we have this slap-dash continued "Mist—thaw—slop—rain. No stirring

out on horseback. Read Spence's Anecdotes. Pope is a fine fellow—always thought him so. Corrected blunders in *nine* apophthegms of Bacon—all historical; and read Mitford's Greece."

Byron did not know that the *Apophthegms* were but a "morning's work," when illness had rendered him incapable of serious study; and that it is by no means certain we have the genuine dictation in this collection.

The POLITICAL and LEGAL works require no prefatory detail of a biographical or historical character. Our author was, unfortunately, born and bred a courtier; and he thought, wrote, and acted as became an adherent of the court party, by birth, parentage, and education. The lawyer was, therefore, grafted upon the courtier; and the politician was neither more nor less than the compound of both. The law, common and statute, combined with prerogative, made up the cardinal principle of political action, and formed the ultimate and immediate standard of public virtue; it was the courtier's test; and though one more enlarged and philosophical would have been more worthy of him, we should recollect that if few subscribe to it now, still fewer knew of it then. The court, the law, the country were successively regarded, but the first was paramount; the second was supposed, as the forms of the constitution were always rigidly observed, to include the third, as it certainly did the first. Much that is grating to modern liberality in Bacon's publications, speeches, and conduct, may thus be more easily accounted for than justified. The capital error of his age was the mixing up of religion with state affairs, to the huge disadvantage of the commonweal. Ecclesiastical power had lately been transferred into political hands, but the spell of its sorcery was broken in the transfer, and the vain attempt to restore its potency cost the country two revolutions. It is to be borne in mind, that the most zealous approvers of this mischievous policy, whenever and however persisted in, are the very men whose hostility to civil liberty is only surpassed by their rancorous hatred of christianity itself.

The political writings are all of a practical nature; and when the high and multifarious character of his engagements is considered, this circumstance entitles him to be regarded as the busiest as well as the greatest man of his time. They are more numerous than bulky, and their value is more proportioned to their variety than their extent.

The first of these Tracts, *On the State of Europe*, was written at a very early period, and is probably nothing more than a careful draught for diplomatic rather than general use. It is crabbed and compressed in manner, and devoid alike of sentiment or metaphor; but it presents an accurate chart of the state of the continent, and a similar sketch of its existing state would not be an uninteresting or useless work. There is one European potentate to whose successor Bacon's stern description would still apply, "he governeth altogether as a tyrant;" and this must of course refer to "the Muscovite emperor of Russia."

The *Discourse in the Praise of his Sovereign*, exceeds in eloquence and flattery the piece which will be found near the end of the second volume, *In Felicem Memoriam Elizabethæ* The one was evidently penned during the life of the Virgin Queen, and the other was written soon after her death. The former is the discourse of a courtier, the latter of a politician, but though quite distinct in execution, they were both intended to counteract, the one at home, and the other abroad, the bull of the Vatican, and the calumnies of more private papists. From a letter to Sir George Carew it appears that he sent the Latin Tract to the President De Thou. It is to be remarked, however, that neither of these pamphlets were made public during his life. James hated the memory of his illustrious predecessor; but that the author should not merely not print either piece, but should even omit in the *De Augmentis* the beautiful passages of praise which appear in *The Advancement of Learning*, can only be accounted for by degrading him. The philosopher forfeited his freedom when he aspired to become a courtier; and as he had sold himself to the court, and had already

incurred the loss of popular esteem, without obtaining a tittle of preferment, something must be allowed to disappointment as well as servility.

Detesting Elizabeth's ecclesiastical government as much as we admire her political administration, it will not be denied that the character was worthy of his pen; and no one has drawn it with more grace and vigour than the neglected "Counsel Extraordinary." The flowers of his rhetoric, if we may be allowed to euphuize, are full of the honey of his philosophy; they are as fragrant as they are brilliant; the bright array of compliments comprises the substance of her proud reign. How eloquent is the following matter-of-fact paragraph!

"She hath reigned in a most populous and wealthy peace, her people greatly multiplied, wealthily appointed, and singularly devoted. She wanted not the example of the power of her arms in the memorable voyages and invasions prosperously made and achieved by sundry her noble progenitors. She had not wanted pretences, as well of claim and right, as of quarrel and revenge. She hath reigned during the minority of some of her neighbour princes, and during the factions and divisions of their people upon deep and irreconcilable quarrels, and during the embracing greatness of some one that hath made himself so weak through too much burthen, as others are through decay of strength; and yet see her sitting as it were within the compass of her sands. Scotland, that doth as it were eclipse her island; the United Provinces of the Low Countries, which for wealth, commodity of traffic, affection to our nation, were most meet to be annexed to this crown; she left the possession of the one, and refused the sovereignty of the other: so that notwithstanding the greatness of her means, the justness of her pretences, and the rareness of her opportunity, she hath continued her first mind, she hath made the possessions which she received the limits of her dominions, and the world the limits of her name, by a peace that hath stained all victories."

Sir Walter Scott may have had this passage before him, when he drew the stately lady, in his *Kenilworth*.

"For the royal wisdom and policy of government, he that shall note and observe the prudent temper she useth in admitting access; of the one side maintaining the majesty of her degree, and on the other side not prejudicing herself by looking to her estate through too few windows: her exquisite judgment in choosing and finding good servants, a point beyond the former: her profound discretion in assigning and appropriating every of them to their aptest employment: her penetrating sight in discovering every man's ends and drifts: her wonderful art in keeping servants in satisfaction, and yet in appetite: her inventing wit in contriving plots and overturns: her exact caution in censuring the propositions of others for her service: her foreseeing events: her usage of occasions:—he that shall consider of these, and other things that may not well be touched, as he shall never cease to wonder at such a queen, so he shall wonder the less, that in so dangerous times, when wits are so cunning, humours extravagant, passions so violent, the corruptions so great, the dissimulation so deep, factions so many; she hath notwithstanding done such great things, and reigned in felicity."

The last sentence is truly the crowning exaggeration.

"Time is her best commender, which never brought forth such a prince, whose imperial virtues contend with the excellence of her person; both virtues contend with her fortune; and both virtue and fortune contend with her fame."

In 1592, Bacon vindicated the queen and government in his first political pamphlet, entitled "*Certain Observations upon a Libel.*" It was probably undertaken to please some of the ministers who had been personally abused by his Jesuitical antagonist. The examination of the libel, upon the eight points "which he had observed in reading it," is very complete. It is a tract on the civil and ecclesiastical state of the kingdom, and it will be found to contain much interesting matter, especially under the second and third divisions of the subject. Men will judge very differently of Bacon's merits in the controversy. The respective cases of the catholic and puritan, dissenters are involved in it, and it would have been

marvellous had the government scribe pleased either of these formidable factions. As a church-of-England man, he was in the predicament of having to make good his position against the Romanists, on grounds which were not calculated to afford him much assistance in contending with the protestant dissidents. The catholics, as the ousted party, sought to recover possession—to reconquer their spiritual domination—by open rebellion, by foreign invasion, and by the thunders of the Vatican; and therefore they were opposed to the queen's civil and ecclesiastical government. The puritans detested the popery of established protestantism, and were opposed only to her ecclesiastical regiment. But both fared alike, and both were treated as rebels. Severe penal laws were enacted to restrain both parties;—their effect upon the papists was afterwards exhibited in the massacre of the protestants in Ireland, and the great rebellion may be considered as their natural effect on the English puritans. From that time to the present, these consequences have been in active operation; and as subjects have grown wiser, monarchs have grown milder. When governments infer political conduct from religious doctrine, civil treason from speculative opinion, overt sedition from simple non-uniformity; and proceed on this monstrous conclusion to take measures for punishing the holders of the doctrine as if it had been reduced to practice, the opinion as if it had brought forth treason, the non-uniformity as if the cold negative had precipitated itself into rampant sedition, legislation is turned into rank persecution, and such legislators provide for endless discord under pretence of preserving the peace. Bacon lived to urge more reasonable courses than those which he here attempts to justify. But he never understood the principles of religious liberty; he was trammelled by notions of official experience; and the only party which could have furnished him with the most perfect clue of guidance through the thick-coming perplexities, was despised by him, and persecuted. Neither the papists, the church-of-Englandists, nor the puritans, whatever might be their immediate or avowed objects, whether restoration, stability, or further reformation, dreamed of a toleration; and the honour of first asserting the rights of conscience, was due to a sect which had no connexion with any of them. The Independents, whom Bacon refers to as the Brownists, a sort of nick-name which did not last long, were the first teachers of civil equality; and it is hardly credible that our author should thus write of a sect as crushed, which was destined so soon afterwards to "wrong the wronger till he rendered right." After speaking in moderate terms of the puritans, he thus adverts to the "third kind of Gospellers, called Brownists."

"And as for those which *we* call Brownists, being when they were at the most a very small number of very silly and base people, here and there in corners dispersed, they are now, thanks be to God, by the good (!) remedies that have been used, *suppressed* and *worn out;* so as there is scarce any news of them. Neither had they been much known at all, had not Brown their leader written a pamphlet, wherein, as it came into his head, he inveighed more against logic and rhetoric, than against the state of the church, which writing was much read; and had not also one Barrow, being a gentleman of a good house, but one that lived in London at ordinaries, and there learned to argue in table-talk, and so was very much known in the city and abroad, made a leap from a vain and libertine youth to a preciseness in the highest degree, the strangeness of which alteration made him very much spoken of; the matter might long before have breathed out."

This is as simple and foolish a sneer as ever was written. But will it be believed that this same Barrow, though the sect was "worn out," was actually condemned to die for his "preciseness" the very next year? He and Greenwood were butchered, aye, and butchered privately, for their "preciseness," in 1593! They had maintained that churches should not be dependent on the state; and they had dared to form them, and conduct religious exercises in them, in a manner different from that prescribed by state-authority; and they were condemned to DIE! "A morning arrived," says Vaughan, "in which, at an early hour, these

delinquents were conveyed from their cells to the place of execution. The rope being fastened to the tree, was placed on their necks, and in this state they were allowed, for a few moments, to address the people who were collected around them. These awful moments were employed in avowing their unfeigned loyalty to the queen, and submission to the civil government of their country. They affirmed, that in what they had published they were far from meaning evil towards her Majesty, or the magistracy of the realm; and if aught had escaped them which partook of irreverence as to any man's person, they confessed their sorrow, and implored forgiveness of the injured party. They acknowledged what they had written in support of their doctrine, but admonished the people to adopt their opinions only as they should 'find sound proof of the same in holy Scripture;' and concluded with exhorting them not only to support the civil power, but, if need be, to submit to an unjust death, rather than resist it. When they had prayed for the queen, their country, and for all their enemies, and were in the act of closing their eyes upon the world, they were told that a reprieve had been sent by her Majesty. 'This message,' the prisoners observe, 'was not only thankfully received of us, but with exceeding rejoicing of all the people, both at the place of execution, and in the ways, streets, and houses, as we returned.' On that day, Barrow sent a statement of these occurrences to a distinguished relative, having access to Elizabeth, and urged, that as his attachment to the queen's person and government could be no longer doubtful, he might be set at liberty, or at least be removed from the 'loathsome gayle' of Newgate. *On the morning, however, of the following day, these deluded victims were conveyed secretly to the place of slaughter, and were there put to death.*"

This is an instance of deliberate, judicial assassination; and while Francis Bacon was "counsel extraordinary," murder was one of his "good remedies!" Between Elizabeth and Mary, in religious matters, there is in fact little to choose, it is a mere question of degrees of blood-guiltiness. We may extenuate, but can never defend their conduct. They were both ecclesiastical tyrants, and the latter the more disinterested of the two. Mary butchered for the supremacy of the pope, Elizabeth for her own. The one was a consistent persecutor; she laboured in her vocation, she decimated under an indulgence; but the other was no legitimate purveyor to the seven-hilled monster, and her bishops did not belong to his kennel of ban-dogs;—she was a protestant, her creed was the Bible; she shook her own throne when she made it so like his, and when she began to hang, draw, quarter, and burn, her conduct is branded with an infamy as black as that which settles on the memory of her sister.

It remains for this age, enlightened by centuries of bitter experience, to deprive the spirit of persecution of the means of mischief.

The three tracts next to be noticed relate to the unfortunate Earl of Essex, and the part which Bacon acted towards him as a friend and as an adverse counsel.

The first of these pieces was prepared by our author just after the extra-judicial investigation at York House, in June 1600, under the title of *Proceedings of the Earl of Essex;* and it is a mere statement of the matters then and there "laid to the earl's charge," for the satisfaction of the queen. It was not "imprinted" at the time, and Elizabeth never intended that it should be, for it really exhibits the whole inquiry as a mock-heroic farce, got up by "her Majesty's servants," rather to justify the doting queen's dilatoriness, than to punish her refractory minion. After Whyte's, and Camden's, and Morrison's grave account of the trial, it lets us into the court secret, and shows how the folly of Elizabeth set in solemn motion the truckling privy council, "enlarged and assisted," as it was, by a corps of legal janizaries. Essex had disobeyed his orders, and a similar disobedience in modern times would have cost him his head; but it is evident from the prefatory matter of this tract, that the heroical septuagenarian never intended to punish him. It is perfectly astonishing that the sagacious relator of the earl's "proceedings" did not see their ridiculous incongruity with her Majesty's conduct. The ludicrous effect is considerably heightened by the

pompous assertion at the onset, of her Majesty being "imperial, and immediate under God and not holden to render account of her actions to any."

Bacon played a part in this serio-comical affair, but it was a very inconsiderable one. There were four counsel engaged "for charging the earl," the Attorney-general, Sergeant Yelverton, the Solicitor-general, and Mr. Bacon, "all her Highness's learned counsel," and each had his character assigned. What were the instructions in our author's brief? "Her Majesty's pleasure was that we should all have parts in the business; and the lords falling into a distribution of our parts, it was allotted to me, that I should set forth some undutiful carriage of my Lord, in giving occasion and countenance to a seditious pamphlet, as it was termed which was dedicated unto him." Our worthy counsel demurs to that allotment on the very important ground, that it was an old matter, and had nothing to do with the charge; but he was told that that part was fittest for him, which did Essex the least hurt; and, whatever others did, he served both Crown and culprit well.

Notwithstanding a good deal of declamation on this subject, we think the conduct of Bacon was defensible. He had given Essex the soundest advice, and so long as the young man followed it, he was prosperous. His patron, or rather his generous client had now got into disgrace by neglecting it, but he was in no danger, and before and at the very time when the frivolous part was assigned him against his friend, he was using his influence with the queen to procure a less ostentatious reconciliation. In fact he was professionally concerned for both parties, in the forthcoming masque of "All for Love." It is well known that by the express direction of Elizabeth, there was no register or clerk to take the sentence against the earl, and no record or memorial made of the proceeding.

When the earl was "at his liberty, Bacon made it his task and scope to take and give occasions for his redintegration in his fortunes," and no sooner was he "at his liberty," that he embarked in fatal courses. Bacon did not forsake him, when to all appearance he had forsaken himself. "Having received from his Lordship a courteous and loving acceptation of my good will and endeavours, I did apply it in all my accesses to the queen, which were very many at that time; and purposely sought and wrought upon other variable pretences but only and chiefly for that purpose. And on the other side, I did not forbear to give my Lord from time to time faithful advertisement what I found and what I wished." The fact is that he exerted himself to the uttermost on behalf of his old friend. "And I drew for him, by his appointment, some letters to her Majesty; which though I knew well his Lordship's gift and style was far better than mine own, yet because he required it, alleging that by his long restraint he was grown almost a stranger to the queen's present conceits, I was ready to perform it: and sure I am, that for the space of six weeks or two months, it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the queen, nor more made of, than when I spake fullest and boldest for him." The reader will find the letters referred to, as "two letters framed, the one as from Mr. Antony Bacon to the Earl of Essex; the other as the earl's answer thereunto," being the substance of a letter he wished his Lordship should write to her Majesty. Afterwards the earl plunged into treasonable projects and practices, and Bacon determined to meddle no more in the matter. But he was made to "meddle" as a counsel for the crown; and on the trial, which was a more serious affair than the last, Essex actually flung in Bacon's face the letters we have alluded to,—the letters drawn by Bacon, with his privity and by his appointment. Bacon never sought the service, either of evidence or examination; it was imposed upon him "with the rest of his fellows;" and though he was but once with the queen, between the sentence and its execution, he "took hardiness to extenuate not the fact," says he, "for that I durst not, but the danger, telling her that if some base or cruel-minded persons had entered into such an action, it might have caused much blood and combustion; but it appeared well, they were such as knew not how to play the malefactors."

Bacon offended all parties in this business; the Cecils were not pacified, the friends of Essex were exasperated, the queen could not appreciate his involuntary obedience, and popular odium was his lot for years. He foresaw all this, and counted the cost; he did his duty by his friend, his queen, and his country, though no one thanked him for it. But while we deem Bacon justifiable, as counsel in both trials, up to this time, and cannot but express our surprise that they who, in order to implicate him, resolve the whole duty of man into gratitude, should have completely forgotten the boundless obligations which Essex was under to his sovereign, compared with which his derivative present of Twickenham estate to Bacon was a trumpery gratuity; we confess that he should not have identified himself with *A Declaration of the Practices and Treasons attempted and committed by Robert late Earl of Essex.* Bacon should have left the penning of that book to Cecil, or Raleigh. Her Majesty had no control of his pen, whatever claim she might have to his tongue. He was perfectly at liberty here, and the fact of his lending himself to the job of posthumous condemnation excites some suspicion of the performance itself. We have a right to insist upon no garbling. The diligence of Mr. Jardine, in his work on Criminal Trials, has discovered that Bacon has been guilty of several important sins of omission; that on comparing the depositions in the State Paper Office, which were proved on the trial of Essex, with those asserted by Bacon to be "taken out of the originals," those passages which show that the treasons of Essex were vague proposals, destitute of *malice prepense,* are carefully left out. When our author "gave only words and form of style" to this piece, (as he remarks in his *Apology,* from which we have often quoted, and to which we beg to refer our readers, for a very able and ingenuous statement of the whole business,) he gave every thing; he takes the court tract upon himself, and having afterwards acknowledged it, his reputation cannot be assoiled of it. Party morality, however, is notoriously lax; and literary hirelings now are not one jot less venal or less scrupulous than they were then. We believe that this was the first time that Bacon "lent" his pen.

We now come to Bacon's *Speech on the Motion of a Subsidy,* on the 7th of March, 1592, which was rather too free for her Majesty, and for which he apologized to the lord treasurer and lord keeper, in two letters which are preserved. An extract from Dewe's *Journal of the House of Commons,* places our author in the position of the country party. This isolated speech was never forgiven. Thenceforth he determined to identify himself with the court, though his policy lay with the independent interest, with which he would have been all-powerful, and by which he was afterwards brought so low.

James was now on the throne, and our assiduous author had in readiness for him *A Proclamation, drawn for his Majesty's first coming in.* It was never used, and every one of its many predictions or promises was falsified. The other *Draft of a Proclamation touching his Majesty's Stile,* is of a nobler cast, it is a most eloquent document, but it was never used. Bacon now grew rapidly into fortune and distinction.

The discourses on the Union of the kingdoms of England and Scotland are of permanent value, and the principles which he unfolds and illustrates, will be found by no means destitute of a powerful bearing on a moot question of modern times, which already agitates England and Ireland, and will soon be discussed upon a larger scale in America. The tracts and speeches on this business abound in eloquence and wisdom of the highest and most sterling quality. He opens the first discourse in a manner which must have somewhat puzzled his pedantic master.

"I do not find it strange, excellent king, that when Heraclitus, he that was surnamed the obscure, set forth a certain book which is not now extant, many men took it for a discourse of nature, and many others took it for a treatise of policy. For there is a great affinity and consent between the rules of nature and the true rules of policy; the one being nothing else but an order in the government of the world; and the other an order in the

government of an estate. And therefore the education and erudition of the kings of Persia was in a science which was termed by a name then of great reverence, but now degenerate and taken in the ill part. For the Persian *magic*, which was the secret literature of their kings, was an application of the contemplations and observations of nature unto a sense politic; taking the fundamental laws of nature, and the branches and passages of them, as an original, a first model, whence to take and describe a copy and imitation for government." He then produces a few examples of his meaning, and inflicts upon the pupil of Buchanan his attempt to revive in one particular a wisdom almost lost.

In the *Articles or Considerations touching the Union of the Kingdoms*, he seems to have abandoned the magic of the Persian and political chemistry, "for his Majesty's better service." He alludes however to the first tract: "In this argument I presumed at your Majesty's first entrance to write a few lines, indeed scholastically and speculatively, and not actively or politicly, as I held it fit for me at that time; when neither your Majesty was in that your desire declared, nor myself in that service used or trusted." And thus proceeds with the present one: "But now that both your Majesty hath opened your desire and purpose with much admiration, even of those who give it not so full an approbation, and that myself was by the Commons graced with the first vote of all the Commons selected for that cause; not in any estimation of my ability, for therein so wise an assembly could not be so much deceived, but in an acknowledgment of my extreme labours and integrity in that business, I thought myself every way bound, both in duty to your Majesty, and in trust to that house of parliament, and in consent to the matter itself, and in conformity to mine own travels and beginnings, not to neglect any pains that may tend to the furtherance of so excellent a work; wherein I will endeavour that that which I shall set down be *nihil minus quam verba:* for length and ornament of speech are to be used for persuasion of multitudes, and not for information of kings; especially such a king as is the only instance that ever I knew to make a man of Plato's opinion, 'that all knowledge is but remembrance, and that the mind of man knoweth all things, and demandeth only to have her own notions excited and awaked.' This famous flattery finds its way into the *Advancement of Learning*. He therefore speaks to his Majesty as a remembrancer rather than as a counsellor, and lays before him the articles and points of this union, that he may the more readily call to mind which of them is to be embraced, and which to be rejected: which proceeded with presently, and which postponed; which required authority of parliament, and which should be effected by prerogative; and lastly, which would be difficult and which easy of accomplishment.

In addition to these able pamphlets, we have two great speeches on *The General Naturalization of the Scottish Nation*, and *The Union of Laws*.

In 1606 he presented to the king, as a new year's gift, *Certain Considerations touching the Plantation in Ireland*, a politic proposal most beautifully stated. It is the Essay on Plantations applied to a particular case. "It seemeth," says the mighty speculator, "God hath reserved to your Majesty's times two works, which amongst the works of kings have the supreme pre-eminence; the union, and the plantation of kingdoms." After adverting to the two heroical works, which the king was invited to undertake, the union of the island of Britain, and the plantation of great and noble parts of the island of Ireland, he adverts to the excellency of the latter, and the means of effecting it. Its excellency is fourfold—honour, policy, safety, and utility. Of the first of the four he had spoken already, "were it not that the harp of Ireland puts him in mind of that glorious emblem or allegory, wherein the wisdom of antiquity did figure and shadow out works of this nature." But, referring our reader to the grand Orphean illustration, we only quote part of the last sentence: that the work would be most memorable, "if your Majesty join the harp of David, in casting out the evil spirit of superstition, with the harp of Orpheus, in casting out deso-

lation and barbarism." The means to effect the work consist in the encouragement of undertakers, and the order and policy of the project itself, both of which are discussed in a manner which would not disgrace a modern economist. The centralization system, which is the key to modern efforts of colonization, seems to have been clearly understood by him. It may be mentioned, that the *Considerations touching the Queen's Service in Ireland*, in which he addresses himself to four points—the extinction of the war, the recovery of the hearts of the people, the prevention of new troubles, and plantations and buildings—might have been incorporated with *The New Year's Gift*, instead of being placed among the letters written in Elizabeth's time.

Some pregnant hints upon poor laws and education, will be found in his advice to the king touching the disposal of Mr. Sutton's estate. The property was great enough to lead into the discussion of three points, an hospital, a school, and a preacher. His views upon the first subject are in accordance with a recent measure of the legislature. "I commend most houses of relief and correction, which are mixt hospitals; where the impotent person is relieved, and the sturdy beggar buckled to work; and the unable person also not maintained to be idle, which is ever joined with drunkenness and impurity, but is sorted with such work as he can manage and perform: and where the uses are not distinguished as in other hospitals; whereof some are for aged and impotent, and some for children, and some for correction of vagabonds; but are general and promiscuous: so that they may take off poor of every sort from the country, as the country breeds them: and thus the poor themselves shall find the provision, and other people the sweetness of the abatement of the tax." He would have no distracted government of these places, but every thing would be regulated by "a settled ordinance, subject to a regular visitation."

The fragment *Of the True Greatness of the Kingdom of Great Britain*, is a very clear and deep dissertation. "I mean not to blazon and amplify, but only to observe and express matter;" and he is as good as his word, by confuting the errors, or rather correcting the excesses, of certain immoderate opinions, which ascribe too much to some points of greatness, which are not so essential, and by reducing those points to a true value and estimation: then by propounding and confirming those other points of greatness which are more solid and principal, though in popular discourse less observed: and incidentally by making a brief application, in both these parts, of these general principles to the state and condition of Great Britain. The negative and affirmative distribution of this extensive subject is most logical, but the only article which is finished is that on largeness of territory. The discussion of the second article, "that there is too much ascribed to treasure or riches," so far as it goes, is the most striking and valuable part of the tract.

Bacon's *Advice to Villiers* when he became prime minister, is the manual of those courtiers who have the ambition to become statesmen. He advises the favourite "for his carriage in so eminent a place; next in particular by what means to give despatches to suitors of all sorts, for the king's best service, the suitors' satisfaction, and his own ease." He gives free and sound general advice, and then divides public business into eight sorts. 1. Matters that concern religion, and the church and churchmen. 2. Matters concerning justice, and the laws, and the professors thereof. 3. Councillors, and the council table, and the great officers and offices of the kingdom. 4. Foreign negociations and embassies. 5. Peace and war, both foreign and civil, and in that the navy and forts, and what belongs to them. 6. Trade at home and abroad. 7. Colonies, and foreign plantations. 8. The court and curiality. "Whatsoever," says Bacon, "will not fall naturally under one of these heads, believe me, sir, will not be worthy of your thoughts, in this capacity we now speak of. And of these sorts, I warrant you, you will find enough to keep you in business." Each head is discussed with equal brevity, prudence, and insight. He was an incomparable counsellor, and though the days of *minions* are over, there is much instruction for the soundest

politicians in this tract. The omission of the first article from the table of a statesman's business would very much simplify it, but that which was a stumbling stone to James, and a stumbling *block* to his son, is still the perpetually uppermost hinderance to all good and quiet government. So completely was this article a part of Bacon's political creed, that, when he had retired from public life, he sent "to the Right Reverend Father in God, Lancelot Andrews, Lord Bishop of Winchester, and Councillor of Estate to his Majesty," *An Advertisement touching an Holy War;* which he describes as "an argument, mixt of religious and civil considerations; and likewise mixt between contemplation and action." The modern reader will be surprised to learn that it is a dialogue on the lawfulness of a war for the propagating of religion! The king certainly had his hands full in trying to extirpate heresies, reconcile schisms, and reform manners, but our author was inclined to imagine that a crusade might be undertaken at the same time.

Milton was of a very different opinion. "Who is there that measures wisdom by simplicity, strength by suffering, dignity by lowliness? Who is there that counts it first to be last, something to be nothing, and reckons himself of great command in that he is a servant? Yet God, when he meant to subdue the world and hell at once, part of that to salvation, and this wholly to perdition, made choice of no other weapons or auxiliaries than these whether to save or to destroy. It had been a small mastery for him to have drawn his legions into array, and flanked them with his thunder; therefore he sent foolishness to confute wisdom, weakness to bind strength, despisedness to vanquish pride."

At the same time that our author was engaged with this Utopian project, he inscribed to Prince Charles *Some Considerations touching a War with Spain*, which is a most interesting document. He justifies the quarrel, balances the forces, and propounds a variety of designs for choice, in this commended expedition against an old and cruel enemy.

From the reports of his parliamentary speeches, we can form no adequate conception of his oratorical powers. He was, however, the most accomplished statesman and the most brilliant speaker of his age. A quotation from Jonson, who appears to have heard him frequently, will tempt the reader to examine them for himself; and a finer description than "Rare Ben's" of the perfection of this art will not be found in any author.

"There happened in my time," says the learned poet, "one noble speaker, the Lord Verulam, who was full of gravity in his speaking. His language, where he could pass by a jest, was nobly censorious. No man ever spake more neatly, more prestly, more weightily, or suffered less emptiness, less idleness in what he uttered. No member of his speech, but consisted of its own graces. His hearers could not cough or look aside without loss. He commanded where he spoke, and had his judges angry and pleased at his devotion. No man had their affections more in his power; the fear of every man that heard him was, lest he should make an end."

We are now to contemplate Bacon in the civil character which he sustained, as a lawyer. He was compelled to engage in the profession in consequence of the necessitous circumstances in which his father's sudden death left him; and notwithstanding other and more congenial pursuits, he became a thoroughly learned practitioner, rose slowly through all its gradations of dignity, and ultimately attained its highest honour. There can be no better proof of his acquirements than the jealousy of Sir Edward Coke, which, even at the commencement of his career, was perfectly uncontrollable. This irrefragable doctor was very hard to be convinced of the solidity and depth of Bacon's acquaintance with law. His own erudition was confined to, and only limited by, the vast circle of common-law jurisprudence,—he was accomplished beyond all his contemporaries within this wide range, which he guarded like a dragon,—and as he knew what it had cost him to become what he was, he had lost all taste for every thing else, depreciated what he had been compelled to sacrifice, and despised attainments in those departments of learning from which nature, education, and fortune had

excluded him. Without compeer as a "pleader," "reporter," or "compiler," he had as little to fear from our author in his own province, as he had to hope for out of it; and there is no doubt that professional collisions must soon have taught him that philosophy and law were by no means incompatible,—that the aspirant he pretended to despise was not to be put down by him, or "cousin" Cecil either,—and that his competitor would soon be pronounced by the bar, the senate, the court, and the world, to be the greater man of the two. Bacon was not a mere lawyer, but he was a first-rate one. The genius of the man was not more remarkable than his industry; and what is there in our laws, so subtle, extensive, or perplexed, that his vigorous and plastic intellect could not easily unravel, grasp, and master? all that was required was the will, and that was not wanting. His other writings show that he possessed common sense, "sound roundabout common sense," in the highest degree, and those now to be examined form no exception to the remark.

We shall briefly notice his few professional works, and then advert to his much more valuable suggestions for the improvement of the law. As an expositor of feudal usages and fleeting decisions, he did little for his own age, and less for posterity; but as a philosophical jurist his views were remarkably sound, and his recommendations deserve the most serious attention.

The practical law writings have been those that have least contributed to his fame, though discovering the same grasp of thought, aptitude of expression, and profusion of illustration, which are displayed in his more renowned productions. Had he lived at a later period, his labours in this branch of study would have insured him a high standing among those who have not merely illustrated but improved the legal science. But any attempt to reduce it to elementary propositions, when every thing was in a transitionary state, could only be imperfectly successful, and if successful, of but temporary utility. He was therefore more happy in showing what was required for the elucidation and arrangement of the subject, than in applying rules to the insulated and frequently discordant cases from which maxims were to be deduced. There was not the same practical sense in weighing the value of authorities, and in selecting the leading cases, which was evinced by the author of the *Institutes*, though there might be more sagacity in perceiving the principles upon which laws should be framed, and according to which they should be amended. As a lawyer therefore he was less accurate than Coke. In seeking to simplify the science of the law, he necessarily omitted many points which could not well be made to fall within any of his general rules, and though he clearly saw and reasoned well on the necessity of attending to all particulars, he does not always guide himself by the rules he promulgated. His labours therefore, both here and elsewhere, were more valuable, in suggesting hints for the formation of a systematic and harmonious code, rather than furnishing an exposition of the law, as it really existed. His two principal tracts are of a character to benefit the legislator more than the lawyer; and are more useful to him who has to frame a new system or remove the anomalies of the old, than to him who seeks to acquire a correct knowledge of existing law, with all its imperfections and inconsistencies.

To a mind like Bacon's the legal science was perhaps the very last in which we could pect that he would attain any high degree of excellence. Eminently skilled in generalization, in tracing out the rules of study and philosophy, and in developing the principles by which the general result involved in a multitude of particular facts might be discovered, he was almost sure to err in applying himself to a pursuit, where the ultimate facts from which he had to reason were a number of cases possessing apparently equal weight, but often seemingly and often really discordant; and in which it is necessary that the reason should submit itself blindly to the authority of dicta resting upon some arbitrary principle, or applicable to circumstances which no longer existed, but which were still

retained. This circumstance creates a difficulty which almost all original thinkers have experienced, and which is seldom overcome but by the sacrifice of all originality and freedom of thought, and by an almost total devotion of every faculty of the mind to this one pursuit. This sacrifice Bacon would not make; and though from this cause his authority as a practical lawyer is less, the general claims that he has upon mankind as a teacher and guide are greatly enhanced.

But whatever might be his disqualifications in reference to this pursuit, he did not fail either from an inadequate conception of the compass of the work he had undertaken, or from any lack of earnestness in his devotion to the task. The motives by which he was influenced in commencing his treatise on *The Elements of the Common Law of England*, are set forth with equal dignity and force, in the preface to the treatise. "I hold every man a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves from the abuses wherewith the same profession is noted to be infected; but much more is this performed, if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in profession and substance. Having therefore from the beginning come to the study of the laws of this realm, with a mind and desire no less, if I could attain unto it, that the same laws should be the better by my industry, than that myself should be the better by the knowledge of them; I do not find that by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science, as by collecting the rules and grounds dispersed throughout the body of the same laws; for hereby no small light will be given in new cases, and such wherein there is no direct authority to sound into the true conceit of law, by the depth of reason, in cases wherein the authorities do square and vary, to confirm the law, and to make it received one way; and in cases wherein the law is cleared by authority, yet nevertheless to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful: so that the uncertainty of law, which is the most principal and just challenge that is made to the laws of our nation at this time, will, by this new strength laid to the foundation, somewhat the more settle and be corrected." And the account that he furnishes of the manner in which he endeavoured to execute this task, and the principle upon which he regulated himself in his division of the subject, furnish much valuable materials for the future jurist. The whole of the preface is full of valuable matter, illustrating the character of his mind, and the comprehensive and accurate view that he took of this, as of every other field of learning which he endeavoured to explore, and the just conception he had formed of the method wherein it should be treated in order to its most useful development. He explains his plan in the treatment of the subject in reference to the nature of the rules that he should select for illustration, the language in which they should be delivered, the authorities by which they should be supported, and the mode of their illustration; and in each of these respects he furnishes an admirable lesson for those who second him in his work. He states under the first head, that "whereas these rules are some of them ordinary and vulgar, that now serve but for grounds and plain songs to the more shallow and impertinent sort of arguments; others of them are gathered and extracted out of the harmony and congruity of cases, and are such as the wisest and deepest sort of lawyers have in judgment and in use, though they be not able many times to express and set them down. For the former sort, which a man that should rather write to raise a high opinion of himself than to instruct others would have omitted, as trite and within every man's compass; yet, nevertheless, I have not affected to neglect them, but having

chosen out of them such as I thought good, I have reduced them to a true application, limiting and defining their bounds." He then explains that in those cases in which the civil law and the common law of England agreed, he should employ the language of the civilians, as being ordinarily the aptest, and that which was generally used; and that in those cases wherein there was a discrepancy, when either of the two courses being open to the legislator a different course had been pursued, or when the varying circumstances of the countries to which the laws were applicable, required a corresponding diversity in the nature of the law, he would point out and illustrate the nature and the cause of the incongruity. And again, with regard to the method, he had rather preferred placing the rules in an apparently unconnected, than to framing them into a systematic, form; and, though the latter might have the apparent advantage of giving an aspect of completeness and uniformity, following in this respect the example of the teachers of former times, who had thus delivered their instructions, of whom he instances Solomon in his Proverbs, and Phocylides in his Aphorisms. With regard to the language, he assigns the reasons which led him to prefer employing the Latin law phraseology for the rules, and the English language for the illustrations. He then adduces the reasons which had led him to refrain from quoting all the authorities, for the general rules which he laid down; and lastly, observe, "There is one point above all the rest I account the most material for making these reasons indeed profitable and instructing; which is, that they be not set down alone, like dark oracles, which every man will allow still to be true, but in the mean time they give little light and direction; but I have attended them (a matter not practised, no not in the civil law to any purpose, and for want whereof, the rules indeed are but as proverbs, and many times plain fallacies) with a clear and perspicuous exposition, breaking them into cases, and opening their sense and use, and limiting them with distinctions, and sometimes showing the reasons whereupon they depend, and the affinity they have with other rules." The work is executed in conformity with the rules thus laid down, but it was only a small portion of the subject that was completed. The part that was first published, and which was intended as the introduction to the design, was committed to the judgment of his contemporaries, according to whose opinion he proposed to continue or abandon his undertaking. The manner also in which he executed the remainder was also to be determined by their reception of this portion of his labours. He did not profess to hold himself so far above other men, as to disdain to consult even their prejudices in respect of the manner in which a work intended for their instruction should be framed. His object being usefulness, he was content that the lessons he desired to inculcate should be moulded into the form that was most acceptable to others, not that which appeared abstractedly best to himself. As he expressed it, "It is great reason that that which is intended for the profit of others, should be guided by the conceits of others."

The work consists of two parts, The Maxims of the Law, and The Use of the Law: the former is devoted to the arrangement, exposition, and illustration of legal rules upon the principles he had laid down; the latter points out and enforces the ends which the law was designed to accomplish. These ends he defines to be, 1. To secure men's persons from death and violence. 2. To dispose the property of their goods and lands. 3. For preservation of their good names from shame and infamy. He shows generally the manner in which these objects are secured, and gives a brief view of the machinery provided for the administration of justice, and of the nature and effect of the various conveyances by which property may be transferred and acquired. The tract was written as early as 1596, and inscribed, as appears from the Harleian MSS. to Queen Elizabeth, on the 8th of January of that year, but it was not published till after his death.

The account of the office of alienations, which was established for the purpose of taking the fines and compositions payable upon lands held under the Crown, was composed in

1598, but not published until some years after his death, under the title of *An Account of the lately erected Service, called the Office of Compositions for Alienations*, from a Manuscript in the Inner Temple Library. It is a model of legal, historical, and economical writing. The biographer of Bacon, in the *Biographia Britannica*, becomes quite enthusiastic in his comment upon it; and as his eulogium may encourage "young readers in the perusal of books of this kind," whilst ours would fail, we are tempted to quote it for their benefit. "This curious and highly finished tract is one of the most laboured pieces penned by its most learned author, containing his resolutions on a very perplexed question, whether it was most for the queen's benefit that the profits arising from the office for alienations should be let out to farm or not? In handling this he has shown such diversity of learning, and so clear a conception of all the different points of law, history, antiquities, and policy, as is really amazing; for I think it may be truly said, that there is not any treatise of the same compass extant in our language, which manifests so comprehensive a genius, and so accurate a knowledge, both with respect to theory and practice, as this." Our author was involved in great pecuniary difficulties, when he drew this tract. He was then in his thirty-eighth year, and it may be conjectured that the envy of his relative, Mr. Secretary Cecil, to whom he actually appeals from a spunging-house for assistance, at the time when this dissertation was before the council, occasioned its posthumous publication.

The *Reading on the Statute of Uses*, which was not printed till after his death, is familiar to lawyers. Hargrave pronounces it to be "an excellent work,"—and thinks that it was delivered about three or four years before the death of Elizabeth. The commencement of his address to the students is grave and figurative, and the last sentence is an exposition of his own fate. "I have chosen to read upon the statute of uses, a law whereupon the inheritances of men are tossed at this day, like a ship upon the sea, in such sort, that it is hard to say which bark will sink, and which will get to haven; that is to say, what assurances will stand good, and what will not. Neither is there any lack or default in the pilots, the grave and learned judges; but the tides and currents of received errors, and unwarranted and abused experience, have been so strong, as they were not equal to keep a right course according to the law. Herein, though I could not be ignorant either of the difficulty of the matter, which he that taketh in hand shall soon find, or much less of my own unableness, which I had continual sense and feeling of; yet, because I had more means of absolution than the younger sort, and more leisure than the greater sort, I did think it not impossible to work some profitable effect; the rather because where an inferior wit is bent and constant upon one subject, he shall many times, with patience and meditation, dissolve and undo many of the knots, which a greater wit, distracted with many matters, would rather cut in two than unknit: and at the least, if my invention or judgment be too barren or too weak, yet by the benefit of other arts, I did hope to dispose or digest the authorities and opinions which are in cases of uses in such order and method, as they should take light one from another, though they took no light from me."

Mr. Hargrave, the celebrated lawyer already referred to, considers the Reading as "a very profound treatise on the subject, so far as it goes, and shows that he had the clearest conception of one of the most abstruse parts of our law." And his chaplain was not far wrong when he said of his lord's law writings, that though some great masters of the law did outgo him in bulk and particularities of cases, yet in the science of the grounds and mysteries of the law, he was exceeded by none.

His other law writings consist of arguments in various cases in which he was employed as counsel, and in reference to matters of public moment, upon which his opinion was desired, or which he deemed of sufficient importance to justify him in delivering his sentiments publicly—A Proposal for the Reform of the Law—Speeches in his office of lord-keeper, &c. &c. In all of these we may notice excellences and defects, similar to those we have already referred to in speaking of the general character of his legal writings,—and it may be observed, that

the excellences are most found in those productions, in which he showed what should be, instead of attempting to establish what was, the law. His elaborate arguments in the cases in which he was employed as counsel are less valuable than his hints for improving the laws of the country, not merely on account of the comparative narrowness of the subject in the former, but because his mind was eminently fitted for the comprehensiveness of thought required by the latter. His judgment in weighing and arguing from particular cases was inferior to that of many,—his sagacity in deducing and exemplifying general principles was surpassed by none. The former, therefore, we shall advert to but very briefly, and confine ourselves chiefly to a condensed sketch of the latter.

In his *Proposal for amending the Laws of England,* written when he was Attorney-general in 1613, he answers with much clearness and force the objections which are ever urged against any such measure by the timid and interested, by those who fear the evils of change, and those who profit by the continuance of inconsistent and expensive laws. The objections which he anticipated are founded upon the needlessness and danger of alteration; and to both of these he gives clear and unanswerable replies. With regard to the former, he shows the evils that were daily experienced from the confusion and uncertainty of the law; the existence of obsolete and oppressive statutes, which though seldom enforced on account of their opposition to the general sense of the community, and the apparent injustice of their provisions, still existed, and might at any time be directed against the individual who at any time unconsciously infringed their enactments; the delay and expensiveness of suits; the reluctance on the part of those who are injured to appeal to the courts for redress, since there was much danger that the remedy might never be obtained, or if obtained might be found to involve greater evils than that against which they sought to be protected; and the want of respect for the law which resulted from the circumstance, that it was found to be a burden, rather than a defence, to those who chiefly needed its aid. It is a striking proof of the slow progress of the general intellect of a nation, that the maxims which he here lays down, and of which it would seem that the justice could not be disputed, should have been so recently recognised and yet hardly adopted; and that principles, the absurdity of which was exposed nearly three centuries since, should still find numerous and sturdy abettors. The rule which Bacon lays down with reference to penal statutes, "that any over-great penalty, beside the acerbity of it, deadens the execution of the law," was but lately denounced as visionary, novel, and unauthorized. It is, however, now generally admitted; and in this, as in many other cases, a deduction which at first requires the utmost exertion of the loftiest intellect, passes into common use, and becomes a familiar idea with minds of every class.

The objection which is founded upon the inconveniences and dangers of innovation, is answered with equal success; and in addition to the arguments that he employs to prove how much greater are the evils attendant upon the opposite course of refusing to amend perceived and acknowledged evils, lest some unknown and inexplicable mischief should thereby be produced, he shows from the examples of history that those who have been the most successful and useful legislators, and who have obtained the most durable renown, have been innovators of this sort. The cry against innovation, he observes, "is a commonplace against all noble reformations." He then suggests the method in which this should be done,—by compiling authorized reports, in which all obsolete cases should be omitted, and those only retained which are recognised as authority at the time; and by omitting from the statute-book such acts as had been repealed, and repealing those which were unsuitable to the circumstances of the nation; by mitigating the penalty when it was too severe, though the principle of the law was good; and by reducing concurrent statutes to one clear and uniform law. Of the suggestions thus made, some have never been acted upon, and those that have, it has been reserved to the present day to witness their adoption. This, however,

only serves to place in a more striking point of view the superiority of Bacon to his contemporaries.

The legal reformations proposed or projected by Bacon were numerous. In his maiden speech before the house of commons, so early as 1592, when he was in his thirty-second year, he strenuously recommended the improvement of the law. Mr. Montagu has taken the pains to collect the various suggestions on this subject, which are contained in distinct treatises, or scattered over different works. There are no less than seven of the former, and his writings abound with the latter. When he became one of the privy council he frequently memorialized the king on the state of the laws. The short essays on Despatch, Judicature, and Innovation, comprise the substance of much jurisprudential reflection. In 1605, in the *Advancement of Learning*, he promises to supply the want of a statesman-like treatise of laws. The pledge was not redeemed by the performance we have just noticed, but the "deficience" is partially supplied in the sixth book of the *De Augmentis*, published in 1623, under the title of "The Doctrine of Universal Justice." The passage in which the promise was first made, is almost of itself a performance. After objecting that philosophers made imaginary laws for imaginary commonwealths, and that lawyers wrote what was received as law, and not what ought to be law, he thus describes the wisdom of the law-maker. "The wisdom of a law-maker consisteth not only in a platform of justice, but in the application thereof, taking into consideration by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and uncertainty of law; by what means laws may be made apt and easy to be executed, and what are the impediments and remedies in the execution of laws; what influence laws touching private right of *meum* and *tuum* have into the public state, and how they may be made apt and agreeable; how laws are to be penned and delivered, whether in texts or in acts, brief or large, with preambles or without; how they are to be pruned and reformed from time to time, and what is the best means to keep them from being too vast in volumes, or too full of multiplicity and crossness; how they are to be expounded, when upon causes emergent and judicially discussed, and when upon responses and conferences touching general points or questions; how they are to be pressed, rigorously or tenderly; how they are to be mitigated by equity and good conscience, and whether discretion and mixed law are to be mingled in the same courts, or kept apart in several courts; again, how the practice, profession, and erudition of the law is to be censured and governed; and many other points touching the administration, and, as I may term it, animation of laws."

This is, truly, a magnificent delineation of a "deficience." Why did he rely upon the king for any countenance or assistance? He wanted a royal commission to aid in the practical and theoretical execution of this grand design; but the government did not pay the slightest attention to his oft-repeated solicitations, and, with the exception we are about to notice, the whole scheme perished with the projector.

The dissertation on Universal Justice, in the *De Augmentis*, is conducted aphoristically, by way of specimen merely, and in a single title only. There are ninety-seven aphorisms; but with the exception of the first six, which are of universal import, the rest are strictly confined to the discussion of a division of the seventh aphorism. His object was, by clearing up the subject of general law, to enable us to judge by any particular law. The introductory aphorisms set forth the fountains of injustice, the foundation of private right, its protection by public law, the cognizance of actions by law, the end of laws, and the difference of laws. The body of particular laws not being framed, we have his conception of a good law in Aphorism 7. "Now that may be esteemed a good law, which is, 1. Clear and certain in its sense; 2. Just in its command; 3. Commodious in the execution; 4. Agreeable to the form of government; and, 5. Productive of virtue in the subject." Of these several titles our author, according to his announcement, only handles the first—"on that

primary dignity of the law, certainty;" and after his unparalleled success in this division, the non-completion of his investigation is matter of great regret. He wishes "this title to serve as a specimen of that *Digest* we propose and have in hand." But the wretched indifference of a wretched government has deprived us of the Digest as well. The scheme of this Digest, which will be found amongst the political tracts, was offered to Elizabeth, and afterwards to James, but never executed; it forms an excellent accompaniment to *The Proposal* itself. "Although it be true," he says in his letter to Bishop Andrews, "I had a purpose to make a particular Digest, or recompilement of the laws of mine own nation; yet because it is a work of assistance, and that which I cannot master by my own forces and pen, I have laid it aside."

It would be an unnecessary task in this general sketch of the writings of Bacon, to advert particularly to the various tracts published by him in connexion with the law; to the general reader any detailed account would be uninteresting, and to the student useless—since that which chiefly constitutes their value, can be hardly selected from matter with which it is associated. Many of them, too, are now purely matters of legal curiosity, since the altered legislation demanded by the progress of the nation, from an almost entirely agricultural to a manufacturing and commercial country, has rendered inapplicable the greater part of the rules and principles they contain. Some of them, however, can scarcely with justice be passed over, and to one or two, before quitting the subject, it seems proper briefly to advert.

His *Charge against Duels* is especially entitled to notice. Although classed among his law tracts, it takes a far higher ground than the mere exposition of the existing law, and sweeps away with a forcible hand the common sophisms by which this barbarous practice is ordinarily justified. He shows how repugnant duels are to the principles of christianity, and the true interests of society; and while deducing their origin from the times when a false and unnatural standard of honour began to be elevated, he proves their incompatibility with the supremacy of the law, and the orderly and peaceful pursuits of a civilized nation. The whole is well worthy of attention,—it is a treatise of itself, and so connected and interdependent as to forbid the extraction of any detached passages. Herein, as in so many other cases, our author was enabled, beyond any man of his time, to anticipate the judgment of posterity, and to detect and expose fallacies which were then current, but which the greater diffusion of intelligence and information is gradually destroying.

His *Charge against the Countess of Somerset,* and the other individuals implicated in the murder of Sir Thomas Overbury, will always be interesting from the historical importance of the persons involved in the accusation. The whole affair was, and still is, notwithstanding the research of historians, enveloped in mystery; and it is not improbably surmised, that if the case had been fully investigated, the monarch himself would have been seriously implicated. The veil will perhaps never be raised,—the publications of Bacon and Coke shed the only light upon the subject that it is likely to receive.

The *Ordinances in Chancery for the better and more regular Administration of Justice,* were published in the court the first day of Candlemas Term, 1618, and have been adopted and acted upon ever since.

The Passages in Parliament against Francis Viscount St. Alban, Lord Chancellor of England, Anno Domini 1620 *and* 1621, will be read with mournful interest. "On Monday, the 19th day of March, 1620, in the afternoon, the commons had a conference with the lords; which conference was reported the next day by the lord treasurer, who delivered the desire of the commons, to inform their lordships of the great abuses of the courts of justice; the information whereof was divided into these three parts: 1st, The persons accused. 2ndly, Of the matters objected against them. 3rdly, Their proof.

"The persons are, the lord chancellor of England, and the now bishop of Landaff.

"The incomparable good parts of the lord chancellor were highly commended, his place

he holds magnified, from whence bounty, justice, and mercy, were to be distributed to the subjects, with which he was solely trusted, whither all great causes were drawn, and from whence no appeal lay for any injustice or wrong done, save to the parliament.

"That the lord chancellor is accused of great bribery and corruption, committed by him in this eminent place, whereof two cases were alleged:

"The one concerning Christopher Awbrey, and the other concerning Edward Egerton. In the cause depending in the chancery between this Awbrey and Sir William Bronker, Awbrey feeling some hard measure, was advised to give the lord chancellor £100, the which he delivered to his counsel Sir George Hastings, and he to the lord chancellor. This business proceeding slowly notwithstanding, Awbrey did write divers letters, and delivered them to the lord chancellor, but could never have any answer from his lordship; but at last delivering another letter, his lordship answered, If he importuned him he would lay him by the heels." The proofs of this accusation were five in number.

"The case of Mr. Edward Egerton is this: There being divers suits between Edward Egerton and Sir Rowland Egerton in the chancery, Edward Egerton presented his lordship, a little after he was lord keeper, with a bason and ewer of £50 and above, and afterwards he delivered unto Sir George Hastings and Sir Richard Young £400 in gold, to be presented unto his lordship. Sir Richard Young presented it, his lordship took it, and poised it, and said, it was too much; and returned answer, That Mr. Egerton had not only enriched him, but had a tie upon his lordship, to do him favour in all his just causes." The proofs were sufficient.

Following "ancient precedents, which show that great persons have been accused for the like in parliament, they humbly desire, that forasmuch as this concerneth a person of so great eminency, it may not depend long before your lordships; that the examination of the proofs may be expedited, and if he be found guilty, then to be punished; if not guilty, the now accusers to be punished."

When the lord treasurer had made his report, the lord admiral presented to the house a letter from Bacon, dated 19th March 1620, from which it is plain that he intended to defend himself from these charges. The poor chancellor, "hearing that some complaints of base bribery were coming before them," makes the following requests:

"First, That you will maintain me in your good opinion, without prejudice, until my cause be heard.

"Secondly, That, in regard I have sequestered my mind at this time, in great part, from worldly matters, thinking of my account and answers in a higher court; your lordships will give me convenient time, according to the course of other courts, to advise with my counsel, and to make my answer; wherein, nevertheless, my counsel's part will be the least: for I shall not, by the grace of God, trick up an innocency with cavillations, but plainly and ingenuously, as your lordships know my manner is, declare what I know and remember.

"Thirdly, That according to the course of justice I may be allowed to except to the witnesses brought against me, and to move questions to your lordships for their cross-examinations, and likewise to produce my own witnesses for the discovery of the truth.

"And lastly, That if there be any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge that makes two thousand orders and decrees in a year, not to speak of the courses that have been taken for hunting out complaints against me, but that I may answer them according to the rules of justice, severally and respectively."

This communication was courteously acknowledged by the lords on the twentieth of March, and his lordship was told "to provide for his just defence." The very next day, however, the commons sent a message unto the lords with four additional complaints of bribery against the chancellor, and the last part of the message consisted of instructions furnished by a register, for still further proofs against him.

The lords, in the mean time, examined the complaints and the witnesses, and also appointed a select committee for this purpose.

Bacon was well advised to forego his promised defence. "And on Wednesday, the twenty-fourth of April, the prince his highness signified unto their lordships, that the said lord chancellor had sent a submission unto their lordships;"—and a most eloquent submission and supplication it is!

The lords were made of stern stuff—they considered the submission and the collections of corruptions, and sent him a copy of the charges without the proofs, requiring a particular confession, and not an extenuating submission, and expecting his answer with all convenient expedition. The fallen man answered, "that he would return the lords an answer with speed." The lords considered this to be a doubtful answer, and sent to him again, "to know of his lordship, directly and presently, whether his lordship will make his confession, or stand upon his defence." He answered by the messengers, that he would make no manner of defence, but meant to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission. The lords granted him time until the next Monday, the 30th of April, to send in his confession and submission. He confesses and submits accordingly; but the lords deputed some of their house to the chancellor to demand of him whether he had subscribed it with his own hand, and whether or not he would stand to it, "unto which he answered, My lords, it is my act, my hand, my heart: I beseech your lordships to be merciful to a broken reed." The seal was sequestered, and immediately put in commission. On the 2nd of May, the lords agreed to sentence the chancellor next day, and summoned him "to appear in person by nine o'clock." The serjeant found him ill in bed, and on being summoned, "he answered that he was sick, and protested that he feigned not this for any excuse; for if he had been well, he would willingly have come." The lords resolved to proceed, informed the commons that they were ready to give judgment, and the commons prayed "judgment against him the lord chancellor, as the nature of his offence and demerits do require." He was then condemned to pay a fine of £40,000, and to be imprisoned during the king's pleasure. He was declared to be incapable of holding any office in the state, or of sitting in parliament, or coming within the verge of the court. The imprisonment was inflicted, but it lasted only two days. His fine was released almost immediately, he presented himself to court soon afterwards, and in 1624 the rest of his punishment was remitted.

When he fell under the just impeachment of the patriots, by his own confession, and by the sentence of his compeers, he was neither chargeable with any of the laxities of the court in morals, nor with any obliquities of judgment, and no decree of his was ever set aside on the ground of bribery and corruption. Whatever might be his dishonours and difficulties, his mighty mind now found delight in philosophy, and consolation in religion. And who does not sympathize with Ben Jonson's description of him? "My conceit of his person was never increased towards him by his place or honours; but I have and do reverence him for the greatness that was only proper to himself; in that he seemed to me ever by his works one of the greatest men, and most worthy of admiration, that had been in many ages. In his adversity I ever prayed that God would give him strength; for greatness he could not want."

The first fruit of his learned, but not independent leisure, was the *History of the Reign of Henry the Seventh*, a part only of a deliberate proposal, if not of a long-entertained scheme. He made a "tender," of which he reminds the king on presenting a copy of this celebrated production, "in the beginning of his trouble, of two works,—an History of England, and a Digest of his Laws,"—but he was not permitted or encouraged to realize either of these magnificent conceptions of his adversity. There were now no delightful hopes, as heretofore, to inspire, no gentle hearts to cherish, no lofty minds to approve. That spirit must indeed

have been broken, which could forsake its "vast contemplative ends," to bestow a literary compliment on the worst man of the age. But in this very letter of presentation he actually asks the king "to appoint him some task to write;" and as the *Instauration* was dedicated to his Majesty, and this *History* to "his lively and excellent image, the prince," he prays the king to give him a theme to dedicate to the lord of Buckingham. This unheard-of tribute—this new benevolence, was neither demanded nor paid, though the complete edition of the *Essays* was afterwards presented to "this very good lord." The ex-chancellor sent his letter to the king in one to the favourite, which is no small proof of his degradation at court; and the striking difference of manner in the two letters shows that he wrote to the king with much more ease and familiarity than to the minister. In both he refers to the *Instauration;* and to the king he speaks of it with sober exultation, as his great work—"which I esteem my *great work*, and do still go on with in silence;"—to the saturnine profligate, as a book merely—"in summer was twelvemonth, I dedicated a *book* to his Majesty." King James took an unusual interest in the history of a prince, "in a sort his forerunner and whose spirit, as well as blood, was doubled upon him," and whose king-craft, at any rate, he estimated almost as highly as his own. He "sent for it," and Bacon "hoped he would signify what he would have amended;"—there was some delay about its return, and we are informed that "he" (the king) "had it by him three months and allowed it." In that affecting letter to the queen of Bohemia, where he confesses he had "leisure without honour," but did "not wish to become an abbey-lubber," he alludes to its "having passed the file of his Majesty's judgment;" and declares "he could not forget his duty so far, as not to make unto her, in all humbleness, a present thereof, as now not being able to give tribute of any service." The work was written and probably printed in 1621, and in the following year published in folio. The sort of censorship which the manuscript underwent excited the curiosity of the courtly circles, and great expectations were formed of it by the rest of the world, from the renown of its author, and his elaborate "Note of the Unworthiness of the History of England" in his *Advancement of Learning*. Prince Charles was so pleased with it, that he commanded him to proceed with the reign of Henry the Eighth, which, as will shortly be seen, he commenced but never finished.

All the writings of this marvellous man are laboured with uncommon care. The fragments reflect the same glorious mind,—

> "Even as a broken mirror, which the glass
> In every fragment multiplies, and makes
> A thousand images of one that was:
> The same, and still the same, the more it breaks."

The History of Henry the Seventh, though it may bear less of this superlative impress than many others, is a standard chronicle of that important reign. It is conceived and executed in the true historic spirit; and modern investigations have established rather than diminished its authority. The narrative, at once minute and comprehensive, possesses a grave interest, which, though mixed with much dispersed reflection, is neither interrupted by quotations, wearied by digressions, nor perplexed by paradoxes; and for thorough insight into character, subtle dissection of motive, and inventive richness of expression, this work has seldom been surpassed.

It must be borne in mind that the book is by a courtier, (what else could have received a Stuart's imprimatur?) and more of the politician's than the patriot's vein runs through it. There is too much "subtilty" about the whole performance. The author, with all his habits of sublime contemplation, was too eminently skilled in the affairs of the world, and they never were more corruptly administered than when he wrote, not to treat the theme in accordance with the stern, doubtful maxims of his day. The worst parts of the Tudor's character are the most laboured, and the least censured; but though he knew more than he

dared to tell, his real opinion may be gathered in spite of the courtly gloss; and whatever may be the writer's bias, the reader's impression respecting the policy of Henry the Seventh is right. The hero is detested, and the effect is produced by some form of expression, which places the king before us in a proper light. We might instance the account of the murder of the earl of Warwick, because "Ferdinand had written to Henry in plain terms, that he saw no assurance of the succession as long as the earl of Warwick lived, and that he was loth to send his daughter to troubles and dangers;" and numberless by-remarks, as, alluding to the causes of Sir Wm. Stanley's execution, then lord chamberlain, the saviour and crowner of the monarch at Bosworth Field,—"First, an over merit; for convenient merit, unto which reward may reach, doth best with kings. Next, the sense of his power; for the king thought that he that could set him up was the most dangerous to pull him down. Thirdly, the glimmering of a confiscation; for he was the richest subject for value in the kingdom. Lastly, the nature of the time; for if the king had been out of fear of his own estate, it was not unlike he would have spared his life." And then, after a show of justification, "the secret doctrines," as Sir James Mackintosh would call them, came out. "No man almost thought himself secure, and men durst scarce commune or talk one with another; but there was a general diffidence every where: which doubtless made the king rather more absolute than more safe; for bleeding inwards, and shut vapours, strangle soonest, and oppress most."

"The same year the city gave 5000 marks, for confirmation of their liberties; a thing fitter for the beginnings of kings' reigns, than the latter ends."

What is this? "As for Empson and Dudley's mills, they did *grind* more than ever, so that it was a strange thing to see what golden showers poured down upon the king's treasury at once. And this is the more to be marvelled at, because the king had then no occasions at all of wars or troubles. He had now but one son, and one daughter unbestowed. He was wise; he was of a high mind; he needed not to make riches his glory; he did excel in so many things else; save that certainly avarice doth ever find in itself matter of ambition. B-like he thought to leave his son such a kingdom, and such a mass of treasure, as he might choose his greatness where he would."

"For this act the king sustained great obloquy, which nevertheless, besides the reason of state, was somewhat sweetened to him by a great confiscation."

"The parliament gave him a subsidy; for his wars were always to him as a strange kind of ore—iron at the top, and gold and silver at the bottom."

"But it was fatal to the king to fight for his money."

The right impression is also produced by his wit.

"About this time the king was desirous to bring into the house of Lancaster celestial honour, and became suitor to pope Julius to canonize Henry the Sixth for a saint; the rather in respect of that his famous prediction of the king's own assumption of the crown. Julius referred the matter (as the manner is) to certain cardinals, to take the verification of his holy acts and miracles, but it died under the reference. The general opinion was that pope Julius was too dear, and that the king would not come to his rates. But it is more probable that that pope, who was extremely jealous of the dignity of the see of Rome, and of the acts thereof, knowing that king Henry the Sixth was reputed in the world abroad but for a simple man, was afraid it would but diminish the estimation of that kind of honour, if there were not a distance kept between innocents and saints."

This is the king whom Shakspeare has described as

"——————— bent to holiness,
To number Ave Maries on his beads."

Bacon himself in the letter dedicatory says, "I have *not* flattered him, but took him to the life;" and he almost apologizes in that to the queen of Bohemia, already quoted, for the

impression which his narrative certainly produces. "If Henry the Seventh were alive again, he could not be so angry with me for not flattering him, as well pleased in seeing himself so truly described in colours that will last and be believed." Harrington, in the three last Aphorisms of his *System of Politics*, may assist in the formation of a more correct opinion of Bacon's object in this profound exposition of English policy in the sixteenth century. "Take," says he, "a juggler, and commend his tricks never so much, *yet if in so doing* you show his tricks, you spoil him: which has been and is confessed of Machiavel.

"Corruption and government is to be read and considered in Machiavel, as diseases in a man's body are to be read and considered in Hippocrates.

"Neither Hippocrates nor Machiavel introduced diseases into man's body, nor corruption into government, which were before their times; and seeing they do but discover them, it must be confessed, that so much as they have done, tends not to the increase, but the cure of them; which is the truth of both these authors."

Is this illustration taken from the pregnant hint in the device exhibited by the earl of Essex before queen Elizabeth, on the anniversary of her accession to the throne, November 17th, 1595, for which one "Mr. Francis Bacon" drew up the speeches. "Corrupt statesman," says the worthy squire, addressing the politician, "you that think by your engines and motions to govern the wheel of fortune, do you not mark that jugglers are no longer in request, when their tricks and slights are once perceived?" But be this as it may, the writings of every truly great man, who has been led into practical or theoretical error, afford the antidote as well as the bane; and if these appear to favour any mischievous doctrine, the refutation is always supplied by the author.

The work before us should be considered as a history of the king-craft of the period; and as there was hardly any thing else to record, the constitutional student will only resort to this masterpiece of compressed relation, for an account of a reign, written by a courtier for the court. The noble writer narrowed his vision of the reign to the reign itself, but every subsequent historian, wherever he may get his facts, makes excellent use of our author's "better travels," hints, and reflections. Hume's admirable character of the monarch himself, is almost entirely wrought out of the still more striking summary or recapitulation furnished by Bacon; and in an elaborate note on Perkin Warbeck, he refers to our author with more cordiality than at the conclusion of his history,—speaking of him as a "great genius; so great a genius as to be esteemed with justice one of the chief ornaments of the nation, and indeed one of the most sublime writers that any age or nation has produced. The political economist will not derive from it more than the negative assistance of erroneous views, admirably set forth. It should be recollected that Bacon "took him to life as well he could, sitting so far off, and having no better light,"—and it is but fair to judge of the work by the amount of light enjoyed. Dr. Johnson, according to Boswell, says, "It was but of late that historians bestowed pains and attention in consulting records to attain to accuracy. Bacon, in writing his History of Henry the Seventh, does not seem to have consulted any, but to have just taken what he found in other histories, and blended it to what he learned by tradition." It is well known he was assisted to authorities by Sir Robert Cotton. We are not aware, however, than any of his facts have been disputed. Hume has dissipated some of his conceits on the statutes of tillage and population, but the legal antagonists of the text have not been so fortunate. He was very careful in insisting on "the laws passed in this king's reign;" and he considered that the best writers of history did not "often enough summarily deliver and set down the most memorable laws that passed in the times whereof they writ, being indeed the principal acts of peace." The laws for populations, those against retainers, and that for alienations, are all correctly stated by the ex-chancellor; and succeeding authors have found out, what could never have been predicted, that these three statutes had paved the way for the downfall of the church of Rome, the feudal nobility, and the Stuarts.

The frequent reference throughout the history to a special Providence, gives great consistency to the whole piece, and is a point which the ancients never overlooked. Bacon knew the course of civil changes as well as any man, but the visible hand of Heaven is always recognised. For instance, the marriage of Henry with Catherine is thus spoken of: "In this 14th year, by God's wonderful providence, that boweth things unto his will, and hangeth great weights upon small wires, there fell out a trifling, untoward accident, that drew great and happy effects—the secret providence of God ordaining that marriage to be the occasion of great events and changes."

We have often admired the concluding paragraph of the History.

"He was born at Pembroke castle, and lieth buried at Westminster, in one of the stateliest and daintiest monuments of Europe, both for the chapel and for the sepulchre. So that he dwelleth more richly dead, in the monument of his tomb, than he did alive in Richmond or any of his palaces. I could wish he did the like in this monument of his fame."

Harrington and Selden have done justice to this last aspiration. The latter evidently alludes to him in the 26th discourse of the 2nd part of his chapter on Government, where the king and the author are thus disposed of:—

"And so he went down to his grave with but a dry funeral, leaving no better testimony behind than that he was a cunning man, rather than a wise English king; and though he died rich, yet he hath since grown into debt by the penmen of his story, that by their own excellency have rendered him a better king than he was."

Selden's is throughout a noble performance, and we would strongly urge our young readers to compare Bacon's history with the remarks on the same reign, which will be found in that invaluable treatise. The political veil was hardly shaken, much less rent, when our author solaced himself by the composition of this work; and abiding by his own view of his own objects, he does not assume the prophetic mantle, but writes as if the consequences of the reformation had been evolved. But we have already spoken on this topic. It was enough for Bacon to foresee the more important changes which he was destined to effect—a reformation which required as much energy and virtue to undertake as the political or religious; and without which they could not be permanent. Bacon perhaps saw the storm; but he was himself a wreck, and had been dismissed from all care of pilotage.

We had prepared a few selections from this work, but all extracts from this most logical writer, how great soever their intrinsic excellency, are a species of violence. Our readers, however, will like to see the "Note," already referred to, of the "Unworthiness of the History of England" in the *Advancement of Learning*, where he recommends the commencement of its history with the reign of Henry the Seventh; but there is no attempt, like Hume's, to prove that we had no *constitution* before that period. Little did he imagine the circumstances in which he should be called upon to fill up his own vigorous outline, drawn in happier days, of the successive reigns. It will be seen that something more than the germ of the beautiful fragments of Henry the Eighth, queen Elizabeth, and the beginning of a history of England, is contained in this passage, which brings the history down to the reigning monarch.

"I cannot fail to represent to your Majesty the unworthiness of the history of England in the main continuance thereof, and the partiality and obliquity of that of Scotland, in the latest and largest author that I have seen; supposing that it would be honour for your Majesty, and a work very memorable, if this island of Great Britain, as it is now joined in monarchy for ages to come, so were joined in one history for the times passed, after the manner of the sacred history, which draweth down the story of the ten tribes, and of the two tribes, as twins, together. And if it shall seem that the greatness of this work may make it less exactly performed, there is an excellent period of a smaller compass of time, as to the history of England; that is to say, from the uniting of the roses to the uniting of the king-

doms; a portion of time, wherein to my understanding there hath been the most varieties, that in like number of successions, of any hereditary monarchy, hath been known: for it beginneth with the mixed adoption of a crown by arms and title; an entry by battle, an establishment by marriage; and therefore times answerable, like waters after a tempest, full of working and swelling, though without extremity of storm; but well passed through the wisdom of the pilot, being one of the most sufficient kings of all the number. Then followeth the reign of a king whose actions, howsoever conducted, had much intermixture with the affairs of Europe, balancing and inclining them variably; in whose time also began that great alteration in the state ecclesiastical, an action which seldom cometh upon the stage. Then the reign of a minor; then an offer of an usurpation; then the reign of a queen matched with a foreigner; then of a queen that lived solitary and unmarried, and yet her government so masculine, as it had greater impression and operation upon the states abroad than it any ways received from thence. And now last this most happy and glorious event, that this island of Britain, divided from all the world, should be united in itself, and that oracle of rest given to Æneas, *antiquam exquirite matrem*, should now be performed and fulfilled upon the nations of England and Scotland, being now reunited in the ancient mother name of Britain, as a full period of all instability and preregrination: so that as it cometh to pass in a mass of bodies, that they have certain trepidations and waverings before they fix and settle; so it seemeth that by the providence of God this monarchy, before it was to settle in your Majesty and your generations, in which I hope it is now established for ever, it had these prelusive changes and varieties." The exquisite letter to the lord chancellor touching the history of Great Britain, is eked out, with some improvement, in the main, from the above passage.

The History of Henry the Eighth, one of his many noble designs, was undertaken, says Tennison upon the notion of king Charles the First, (when prince of Wales,) "but a greater King not lending him time, he only began it; for that which we have of it, was it seems but one morning's work." It would appear from that extraordinary document, entitled *Memorial of Access*, written in Greek characters and deciphered by Dr. Birch, that he had then, in November 1622, made some progress with this intended continuation. A few quotations from this genuine document may be allowed. It makes one's heart ache to contemplate such a man in the attitude of fruitless prostration.

After asking some task or literary province, that he may serve *calamo* if not *consilio*, he thus proceeds:

"I know that I am censured of some conceit of mine ability or worth: but I pray your Majesty, impute it to desire, *possunt quia posse videntur*. And again, I should do some wrong to your Majesty's school, if, in sixteen years' access and near service, I should think I had learned or laid in nothing."

"Of my offences far be it from me to say, *dat veniam corvis, vexat censura columbas*, but I will say that I have good warrant for; they were not the greatest offenders in Israel upon whom the wall of Shilo fell."

"My story is proud, and I may thank your Majesty; for I heard him note of Tasso, that he could know which poem he made when he was in good condition, and when he was a beggar. I doubt he could make no such observation of me."

"Kings do raise and pull down with reason; but the greatest work is reasoning."

"Your Majesty hath power: I have faith: therefore a miracle may be wrought."

"I would live to study, and not study to live; yet I am prepared for *date obolum Belisario*; and I that have borne a bag can bear a wallet."

"For my pen, if contemplative, going on with *The History of Henry the Eighth*."

Writing to Buckingham in Spain, he evidently alludes to this imposed labour, under the similitude of a compliment.

"I beseech your lordship, of your nobleness, to vouchsafe to present my most humble duty to his Highness, who, I hope, ere long will make me leave king Henry the Eighth, and set me on work in relation of his Highness's adventures."

There is a curious hint in a letter to Mr. Matthew as to the materials of the "other work," Henry the Seventh, in connexion with this of princely imposition; which may justify a suspicion that Bacon stopped short because he missed his antiquarian crutch. Sir Robert withheld his materials to some purpose.

"Since you say that the prince hath not forgot his commandment touching the history of Henry the Eighth, I may not forget my duty; but I find Sir Robert Cotton, who poured forth what he had in my other work, somewhat dainty of his materials in this."

Here is the "one morning's work," a fragment, but it may safely challenge comparison with any thing on the same reign; his first biographer calls it an "ex ungue leonem."

"After the decease of that wise and fortunate king, Henry the Seventh, who died in the height of his prosperity, there followed, as useth to do when the sun setteth so exceeding clear, one of the fairest mornings of a kingdom that hath been known in this land or any where else. A young king, about eighteen years of age, for stature, strength, making, and beauty, one of the goodliest persons of his time. And though he were given to pleasure, yet he was likewise desirous of glory; so that there was a passage open in his mind, by glory, for virtue. Neither was he unadorned with learning, though therein he came short of his brother Arthur. He had never any the least pique, difference, or jealousy with the king his father, which might give any occasion of altering court or council upon the change; but all things passed in a still. He was the first heir of the white and red rose; and so that there was now no discontented party left in the kingdom, but all men's hearts turned toward him; and not only their hearts, but their eyes also; for he was the only son of the kingdom. He had no brother; which though it be a comfortable thing for kings to have, yet it draweth the subjects' eyes a little aside. And yet being a married man in those young years, it promised hope of speedy issue to succeed to the crown. Neither was there any queen mother, who might share any way in the government, or clash with his counsellors for authority, while the king intended his pleasure. No such thing as any great and mighty subject, who might any way eclipse or overshade the imperial power. And for the people and state in general, they were in such lowness of obedience as subjects were like to yield, who had lived almost four and twenty years under so politic a king as his father; being also one who came partly in by the sword, and had so high a courage in all points of regality, and was ever victorious in rebellions and seditions of the people. The crown extremely rich and full of treasure, and the kingdom like to be so in a short time. For there was no war, no dearth, no stop of trade or commerce; it was only the crown which had sucked too hard, and now being full, and upon the head of a young king, was like to draw less. Lastly, he was inheritor of his father's reputation, which was great throughout the world. He had strait alliance with the two neighbour states, an ancient enemy in former times, and an ancient friend, Scotland and Burgundy. He had peace and amity with France, under the assurance not only of treaty and league, but of necessity and inability in the French to do him hurt, in respect that the French king's designs were wholly bent upon Italy: so that it may be truly said, there had scarcely been seen or known, in many ages, such a rare concurrence of signs and promises, and of a happy and flourishing reign to ensue, as were now met in this young king, called after his father's name, Henry the Eighth."

One of the "fairest mornings of a kingdom" is a favourite phrase, and it occurs in the next fragment, *The Beginning of the History of Great Britain*, which is generally printed as it stands in this volume, but was probably written shortly after king James's accession; and forwarded to the king when he despatched the elaborate letter to the lord chancellor.

The "Beginning" was sent to king James as a sample of a long-formed design;—the letter

is curious,—but the king was indifferent, and soon afterwards Bacon had "greatness thrust upon him." He evidently intended to furnish a memoir of his own times. "The reason why I presumed to think of this oblation, was because, whatsoever my disability be, yet I have that advantage which almost no writer of history hath had; in that I shall write of times, not only since I could remember, but since I could observe." Perhaps the finest portion of the fragment, is that in which he enumerates the parties to whom "a new court and a new reign" would not be unwelcome; showing that "every condition of persons had some contemplation of benefit, which they promised themselves, over-reaching perhaps, according to the nature of hope, but yet not without some probable ground of conjecture." The courtier would have experienced some difficulty, after his *Discourse in the praise of his Sovereign Queen Elizabeth*, if that discourse had been published, in ushering in her successor; and the assertion in the fragment that queen Elizabeth imposed "a silence touching the succession," is hardly consistent with what he "notes," in his letter to the lord chancellor, "that her Majesty did always right to his Majesty's hopes."

The THEOLOGICAL tracts may be justly classed amongst the most delightful of Bacon's writings. He was a divine as well as a philosopher. He could have had no sympathy with that scholarship which is equally proud of its intimate acquaintance with heathenism, and its perfect indifference to the true religion. All other intellectual arts were subordinate, if not subservient to this; and solemn allusions and appeals are frequent throughout his greater works. But the few tracts which have been preserved under this title, present the most exquisite memorials of his piety. The Bible was just the book for such a mind. Its wondrous contents satisfied all the conditions of his nature, and met the necessities of his case. His intellect, with all its vast yearnings, received illumination and expansion; his heart, with all its unutterable anxieties, found purity and rest. Without for one moment exalting a professor of religion into its patron, we can conceive of nothing more truly beautiful or becoming, than the adhesion of such a spirit to such a revelation. No one since Solomon's time had such good reason to pronounce the "Vanity of vanities, all is vanity,"—and no one stood more in need of that refuge, which had been set up for a world. The renown which was to increase with ages, could not impart the peace which he needed with the meanest of his fellow-probationers. He knew full well that all that he had done, for good and evil, would undergo the most rigid scrutiny,—and perhaps that he should be singled out to be ennobled and branded as

"The greatest, brightest, meanest of mankind!"

What a withering wreath, then, the laurel that decked his anxious brow! what hollow sounds the many echoes of fame that fell on his prophetic ear! But if the effusions we are now to notice were the transcripts of his heart, (and who amongst his depreciators will refuse him this sanctuary?) the fact of his comfort is established, and a great mystery in life cleared up.

This fact has been strangely overlooked and forgotten, both by panegyrists and detractors; and therefore these productions, so far as they are strictly devotional, have been utterly neglected. The former, not daring to probe the whole character, pass them by with an ignorant or false fastidiousness; and the latter, incapable of reconciling practical delinquency with repentant and exalted piety, only permit their baffled metaphysics to increase their virtuous animosity. It is upon christian grounds alone that we can form a true and fair estimate of Bacon's character. Take all that is said for and against him—let it be assumed that all the glory and the shame may be predicated of him—what can the mere worldling, mere politician, mere moralist, or mere philosopher make of him? They impute to him every thing harsh, ungenerous, and heartless, and resolve him into a mass of inconsistencies. A sceptic of ordinary ingenuity, who did not hold by the *idola tribus* of any of these respective

impugners, might fling back the charges on themselves, and show that there is not a single action for which they condemn the Verulam, for which they might not be as justly condemned themselves. This would be no justification, we admit, but it stops their mouths, and enables us to carry his character to a higher tribunal—the Christian's, who judges of him by a purer law, and yet pronounces a gentler and more generous verdict!

The first, and beyond all comparison the most valuable, of the tracts, is *A Confession of Faith*. It comes warm from the Book, and is redolent of the mysteries. There must have gone to its composition many a folio. His acquaintance with ecclesiastical antiquity, with the rise and progress of opinion, with the fathers, is as undoubted as his profound study of the oracles themselves; and there breathes throughout this Confession all that freshness of full scholarship and mighty intellect, that distinguish the writings of the greater Reformers. The diction is as worthy of the sublime theme, as unaided language ever will be. He could say, with Sir Thomas Browne, that he was bound by the principles of grace, and the law of his own reason, to embrace no other than this religion—that he was of the same belief our Saviour taught, the apostles disseminated, the fathers authorized, and the martyrs confirmed.

The *Confession* is printed by Rawley at the close of the *Resuscitatio*;—and "thereby," says the worthy chaplain, "he demonstrates to the world, that he was a master in divinity, as well as in philosophy, or politics; and that he was versed no less in the saving knowledge, than in the universal and adorning knowledges. For though he composed the same many years before his death, yet I thought that to be the fittest place, as the most acceptable incense unto God of the faith wherein he resigned his breath; the crowning of all his other perfections and abilities; and the best perfume of his name to the world after his death."

The *Prayers* are solemn, appropriate, and sublimely expressed. There is no "natural theology" about them. "Thy creatures have been my books, but thy scriptures much more. I have sought thee in the courts, fields, and gardens, but I have found thee in thy temples." What are the confessions of his frailty to man, compared with these? "O Lord, my strength, I have, since my youth, met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have increased upon me, so have thy corrections. And now when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me according to thy former loving-kindness." This true confession is thus sustained and concluded. "Besides my innumerable sins, I confess before thee, that I am debtor to thee for the gracious talent of thy gifts and graces, which I have neither put into a napkin, nor put it, as I ought, to exchangers, where it might have made best profit, *but mispent it in things for which I was least fit*. Be merciful unto me, O Lord, for my Saviour's sake, and receive me into thy bosom, or guide me in thy ways."

These are indeed

> "Sighs now breathed
> Inutterable, which the spirit of prayer
> Inspired."

The next is a Prayer, properly so called, and not, like that from which we have made the preceding extracts, a psalm or holy song. It is quaintly described as "a prayer *made* and *used* by the lord chancellor Bacon." We much doubt whether such an arch-hierarch as Laud would allow a layman to make and use his own prayers; and it is certain that our author never obtained episcopal sanction for this puritanic practice. This effusion is as comprehensive a form of pure and evangelical supplication, as any in the whole compass of theological literature. We do not recollect any thing in Jeremy Taylor equal to it. It might have been cast in the same mould with those beautiful litanies and collects of the book of Common Prayer. The modern style of prayer-inditing

is excessively feeble and frigid, and will only be restored when the heart of this great Christian people shall commune more closely with the word of God, and converse more habitually with the sages of primitive and reforming times. Bacon raised and ennobled every thing by religion. As a student, and as a writer also, the great philosopher was often on his knees; and he has prepared two most suitable prayers for "the student," and for "the writer," both of which are calculated to inspire the highest and the soundest principles. The former supplicates a greater insight into the works, and a greater faith in the word, of God; and the latter presents the process and the result of his labour, praying that he may partake of the "rest," and that the world may be further benefited by himself and others. But here they are, and their brevity and their beauty will be our excuse for quoting them entire.

THE STUDENT'S PRAYER.

"To God the Father, God the Word, God the Spirit, we pour forth most humble and hearty supplications; that he, remembering the calamities of mankind, and the pilgrimage of this our life, in which we wear out days few and evil, would please to open to us new refreshments out of the fountains of his goodness, for the alleviating of our miseries. This also we humbly and earnestly beg, that human things may not prejudice such as are divine; neither that from the unlocking of the gates of sense, and the kindling of a greater natural light, any thing of incredulity, or intellectual night, may arise in our minds towards divine mysteries. But rather, that by our mind thoroughly cleansed and purged from fancy and vanities, and yet subject and perfectly given up to the divine oracles, there may be given unto faith the things that are faith's. Amen."

THE WRITER'S PRAYER.

"Thou, O Father, who gavest the visible light as the first-born of thy creatures, and didst pour into man the intellectual light as the top and consummation of thy workmanship, be pleased to protect and govern this work, which coming from thy goodness, returneth to thy glory. Thou, after thou hadst reviewed the works which thy hands had made, beheldest that every thing was very good, and thou didst rest with complacency in them. But man, reflecting on the works which he had made, saw that all was vanity and vexation of spirit, and could by no means acquiesce in them. Wherefore, if we labour in thy works with the sweat of our brows, thou wilt make us partakers of thy vision and thy sabbath. We humbly beg that this mind may be stedfastly in us; and that thou, by our hands, and also by the hands of others, on whom thou shalt bestow the same spirit, wilt please to convey a largess of new alms to thy family of mankind. These things we commend to thy everlasting love, by our Jesus, thy Christ, God with us. Amen."

It is well, perhaps, that the curious tract, entitled *The Characters of a believing Christian in Paradoxes and seeming Contradictions,* does not stand alone, or it might be adduced by sciolists as a proof of his scepticism. Montagu considers it spurious, but the piece itself, taken in connexion with the *Confession of Faith,* is both harmless and strikingly ingenious. Nothing can be finer than the subtlety of discrimination, which he displays in selecting and marshalling the wondrous truths which he sets in seeming opposition; and it is difficult which most to admire, the minuteness and extent of his biblical scholarship, or the exquisite facility with which he handles his rich stores. Whether or not it be levelled against the practice of mixing faith and reason, the mysteries of revelation with the conceptions of the natural understanding, which the author apprehended made an heretical religion, and a superstitious philosophy, it certainly is neither ludicrous nor profane.

The remaining theological tracts bring the great author before us in a very favourable point of view, as a moderator in the Episcopalian and Puritan controversy. In these two pieces, the one entitled *An Advertisement touching the Controversies of the Church of England*, written before the decease of Elizabeth, and the other, *Certain Considerations touching the better Pacification and Edification of the Church of England*, which was addressed to James, soon after his accession, we are presented with a fair, dispassionate, and most unexceptionable statement of those religious disputes which then agitated the kingdom. They were pamphlets of counsel and advice, and none the less creditable to his political sagacity and philosophical benevolence, because they were utterly neglected by Elizabeth and her successor. They have not been treated with much less indifference by the hereditary zealots of either faction. The party so long dominant have felt the weight of his testimony against them as much as they feared the reforms which he had the courage to propose; and with all his projected lenity and would-be conciliation, he was too much of a temporizer to please the exasperated *root-and-branch* regenerators of an intolerant and tottering hierarchy. The first of these pamphlets has indeed been quoted by Milton, against the partial conduct of the bishops in reference to the press, and the other by Hall in favour of episcopacy; but their intrinsic merits do not seem to have been appreciated by contemporary polemics or succeeding historians. We must, however, except Dr. Vaughan's "Memorials of the Stuart Dynasty," who devotes a chapter of his excellent work to their examination.

That Bacon was not insincere in his recommendations will be at once admitted, when it is recollected that he was a courtier at the time; and nothing can account for his jeopardizing his interest, by stepping out of his profession on behalf of an obnoxious party, but a deep sense of the justice of his views, and the necessity of adopting a different policy from that in which both mistress and master were engaged. Happy would it have been for the church of England at that day, had his suggestions been adopted; and its modern reformers will do well to imbibe their pious, calm, and charitable spirit. Both pieces contain abundant matter for reflection to the liberal politician of the present day; and the latter piece, especially, deserves to be well studied by all who are interested in such questions as the "government of bishops,"—"the liturgy," "ceremonies," and "subscriptions," of the church,—"non-residence, pluralities, and church-maintenance." The ex-chancellor might have had Cartwright for his private secretary, when he indited the following reply to the sticklers against "*innovation*:" "All institutions and ordinances, be they never so pure, will corrupt and degenerate. But I would ask why the civil state should be purged and restored, by good and wholesome laws, made every third or fourth year in Parliament assembled; devising remedies as fast as time breedeth mischief; and contrariwise, the ecclesiastical state should still continue upon the dregs of time? If it be said that there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparations, though castles and houses do."

May we not indulge the supposition that when he penned this paragraph, he thought of his father's poor chaplain, Mr. Johnson, who lived in his family when he was a very boy; and though a gentleman, and a scholar, was consigned to prison as a Puritan for no other crimes, than omitting to make the sign of the cross, for marrying without the use of the ring, and not consecrating the sacramental wine; and who died there, when Bacon was in his fifteenth year, and a student at Trinity College?

The Translation of certain Psalms into English Verse, was the "poor exercise" of his last sickness. He dedicates it to his friend Herbert—and "in respect of divinity and poesy met, whereof the one is the matter, the other the style, of this little writing, I could not make better choice." If he had succeeded in his undertaking he would have done that which has never yet been accomplished. The versions are very unequal, but the 104th is spirited throughout, and the diction remarkably smooth for the period. Although his elo-

quence has tasked the powers of the English language to sustain the greatness of his thoughts, and the blazonry of his illustrations, he was no "maker" himself. He was an excellent critic; but from want of genuine sensibility and early practice, or from the scientific character of his pursuits, which led him to think more of man's wants than feelings, he was no poet,—he had "the vision," but not "the faculty" divine.

We have now glanced, though very cursorily, at most of the works, which will be found under the titles of *Moral, Political, Legal, Historical,* and *Theological,* writings; and Mr. Hallam has well said, that if his philosophy had never existed, there would be enough in *these* alone to place Bacon among the greatest men this country has produced. But the philosopher pervades them all, and he need not be ashamed to acknowledge his offspring. It is true that he has his "great work,"—but we shall find in the most insignificant of these various pieces some trace of his genius: the name alone does not give the charm, but an actual modification of that same transcendent *thing,* whose higher manifestations excite our wonder.

As a POLITICIAN we have seen that Bacon was a personification of his age—in most things in advance of it, in nothing below it—and if not better, never worse than his contemporaries. In common with all the distinguished men of his time, when the favour of the sovereign was indispensable to success, he was a courtier. Prerogative was in full vigour when his career commenced, and he lived to see its splendour wane with himself. He was one of the first great officers of state cashiered by the Commons, and the game of Impeachment reached his master at last. The *vitia hominis,* with him, were the *vitia temporis.* Brought up under a system which left the liberty of the subject at the beck of tyrannical tribunals, and all his life an actor in it, he yet could say to Buckingham in the Tower, that "he was never author of any immoderate, no, nor unsafe, no, nor unfortunate counsel." Without extenuating the Machiavellian policy that prevailed, it will not be denied that the representative principle had been long observed, rather as a custom, than a right; and it should not be forgotten that the *Organon* of all constitutional government, must be understood by subjects, before it will be respected by rulers.

As a LAWYER, though greatly learned, he was prevented, by other avocations, from discharging the common obligation to his profession; and no one will regret that, as he could not do justice to his noble views of judicial science, he did not attempt to increase the confusion of chaos, by any additions after the manner of Coke. It is curious that while he admits the sentence he had incurred to be just, "and for reformation' sake fit," he maintains, and in the Tower too, that he was "the justest chancellor that had been, in the five changes since Sir Nicholas Bacon's time." Some of the suitors actually applied to the House of Lords for *relief* against Bacon's decrees, on the ground of supposed corruption; "but," says Carte, "they were found too just to be reversed." While we differ from Lord Brougham, (who merits more of this age than any other of its many illustrious statesmen,) as to the success which has attended Mr. B. Montagu's recent attempt to vindicate the legal and judicial character of Bacon, we must agree with "one thing," which that learned lord asserts in the last sentence of the last note in his famous *Discourse of Natural Theology,*—"One thing, however, is undeniable, that they who so loudly blame Bacon, overlook the meanness of all the great statesmen of those courtly times." And when the sovereigns whom he served, and prime ministers, allowed themselves to be bribed for the exertion of their interest with the judges, why should Bacon be singled out as a monster of venality?

As an HISTORIAN he has left but few pieces, but they are sufficient to show, that with a larger scope he would have been pre-eminently successful in the department of civil history. One of his earliest literary projects was a history of England, and one of his latest a memoir of his own times. It is somewhat remarkable that two of our greatest men should have attempted the history of their country; and that with ample materials, and an equal sense

of the importance of the work, neither should have accomplished it. *Bacon's* amounted to no more than a "tender," and *Milton's* was but a "beginning." How differently these men would have treated their theme! They were each prompted by the same motive, "the unworthiness of the history of England," and "the unskilful handling of monks and mechanics." But who would take the "Great Instauration," or the "Paradise Lost," out of either's hand?

As a MORALIST and a THEOLOGIAN, it would be difficult to exaggerate his merits; in the one he has appeared as a practical, in the other as a Christian, philosopher. From the separate little tracts and fragments which we have last noticed, (as well as the greater works, which contain a fuller development of his views on this subject,) it appears that he slighted what has been termed Natural Theology. He was content with the Bible, without which Natural Theology is a dabble of inconclusive presumptions, and in connexion with which, however pleasing as a speculative inquiry, useless as a canon of faith, or a rule of life. By the inductive philosophy, which our author taught, we can obtain some knowledge of the nature without us and within us; but neither enables us "to find out the Almighty;" and without the knowledge of Him we cannot please Him. We can know no more of Him than he is pleased to reveal, by his works and by his word, and if the former had been sufficient the latter had not been vouchsafed. Theology as much requires a revelation, as natural philosophy requires a nature, or mental philosophy a mind. "Next to the study," says Bacon, addressing his university, "of those sacred volumes of God, the Holy Scriptures, turn over that volume of the works of God."

But the rich collection of LETTERS, preserved by the labours of Rawley, Tenison, Stephens, and Birch, and published in this edition, throw the greatest light upon our author in all the characters which he sustained. It is a singular fortune that so large a portion of his correspondence should have been handed down to us. The private memorials of our most distinguished countrymen were not very carefully respected by their contemporaries; and when such a genius, or rather such a miracle, as Shakspeare was allowed to depart without the slightest effort being made to illustrate his individual life, it would not have been surprising if one, in whom was enshrined as much of the divinity of intellect, had, notwithstanding his aristocratic connexions, been similarly treated. There are some works which cannot be understood or appreciated without an acquaintance with their authors, and others which do not require any biographical illustration. The writers of the former class are inferior to those of the latter, inasmuch as thought is valuable in proportion to its universality; and whatever depends, entirely, upon individual experience, is obviously limited in its utility. But there are some men who are active, as well as contemplative; and while their mental achievements are their own expositors, the labours of their lives must be recorded in story. Bacon united the two characters in a transcendent degree, and our knowledge of him in both is wonderfully enlarged by these epistolary self-disclosures. They are very numerous, amounting to upwards of 500, and forming almost a consecutive series, from the time when he was a masquer at Gray's Inn, to the very letter which he dictated a few hours before his death. It is needless to say, that they are high and various in matter, dignified but plain in style, and characterized by a sort of indescribable sagacity, which keeps them all of a piece, and makes them truly Baconian.

The PHILOSOPHICAL works remain to be considered; and a general account of them is all that will be now attempted. Superabundant and inviting as are the materials for speculative discussion, on nearly every subject which can engage the human understanding, our undertaking will be limited to the presentation of a plain outline of their contents.

It appears that while yet a student at Trinity College, he had felt dissatisfied with the reigning philosophy; the scholar had even then planned a scheme for improving the schools. Whether the meditative youth ventured so far as either to express the deficiencies he "noted,"

or to shape his academic rebellion into any consistent form, is matter of conjecture merely; but the fact of his early attention to philosophy is undoubted,—his letter to Father Fulgentio proves his attachment to these studies, and the circumstance of his being sent so soon on his travels must have been highly favourable to his scientific independence. The professors of any science are generally satisfied if they teach what they know, and seldom aspire to become its benefactors, by enlarging its bounds, or reforming its method. So early an emancipation, therefore, from the personal authority of pedagogues, may be regarded as fortunate; and the career he was destined to run in after-life was sufficiently high and difficult, to render it desirable that the commencement should be smoothed. He staid long enough at the University to learn what they could teach; and not so long as to have much to unlearn. He experienced no disadvantage in consequence of not completing his *curriculum*, which so ardent and vigorous a genius would not easily surmount; and there is something extremely ludicrous in the assertion, that by reason of his premature despatch on his travels, Plato and Aristotle were sealed books to him in the originals. The late Mr. Coleridge has hazarded this singular opinion in one of his "Friends;" and the imputation is indulged in to cover the still greater absurdity which he maintains, of the absolute identity of the Baconian and Platonic systems; but it would be an insult to the memories of mighty philosopher and wayward poet, to assert the classical learning of the one against the juvenile sneer of the other.

It must not be imagined, however, that Bacon and the Universities were on any but the very best of terms. He was as fully sensible of his obligations to them, as they were of the honour of having reared such an alumnus. They were then, perhaps more than they are now, in consequence of anti-national restrictions, the centres from which emanated all the existing learning, and the main sources of political and religious agitation. Our author did them some service in his official character, and presentation copies of his greater works were always acknowledged with respectful promptitude. But the reader will be amused with the ex-cathedrâ sort of advice which the layman gives to them,—he could deal more independently with a convocation of Aristotelians than with the pettiest court minion.

While nothing is positively known of the circumstances which first led our author to these studies, it is by no means an improbable conjecture that his father's Puritanical chaplain, whom we have already referred to, might have engaged his early attention to them. *Johnson's* letters to *Bishop Sandys* show that the chaplain was no mean proficient in logic; and there is no reason to suppose that he was below par with his brethren in his hatred of the Schoolmen, who had metamorphosed the laws of thought into the laws of their church. It is indeed more than likely that the precocious and inquisitive mind of Bacon was thus inoculated with an anti-scholastic prepossession, long before he was committed to the educational tutelage of Whitgift.

However this may be accounted for, the philosophy which had smitten the boy at college became the constant delight of the man. He was never intended for an "abbey lubber," or a mere "sorry book-maker." He was eminently fitted to play a distinguished part in the affairs of the world; and if he had not fallen, by risking a popular penalty on the security of a princely protection, we should never have heard of the regrets pathetically bewailing his immersion from youth to age in civil business. The philosophy partially hatched at college was of too robust and practical a kind to be addled by brooding over. It was intended to come "home to men's business and bosoms,"—and it is only necessary to point to the results. His letters abound with references to his favourite pursuit, "whereby he should be able to maintain memory and merit of the times succeeding." The unwearied industry with which he applied himself, in the midst of ordinary engagements, to the completion of his all-comprehensive scheme, is one of the most pleasing and consolatory facts of his history. Life and society were largely mingled in, he used to cry, "Eastward ho!"—

and his arduous calling, the intrigues of ambition, cabinet schemes, and court cabals, were certainly not without their claims or their fascinations. But the philosophy was the business of his great soul, and through evil and good report he followed after it. He never gave it up, and it never gave him up. It injured, or at least his literary, injured, his legal, reputation at first, but most unjustly; for with him it was no excuse for the neglect of professional duties; and we have seen that he was neither dreamer, nor idler, nor wholesale declaimer, nor juggling dealer in rhapsodies, but a most assiduous plodder in the beaten and legitimate track of distinction. His mighty heart was no more to be won by phantasy, or disordered by enthusiasm, than it could be filled and engrossed by forensic, courtly, or political avocations. Yet notwithstanding his practical subserviency to many a wearisome and many a humiliating exigency, his allegiance to his destiny was paramount. And he had his reward, for it made him not more great than happy. Schiller has a saying, that "he found the happiness of life, after all, to consist in the discharge of some mechanical duty;" and upon this principle, Bacon must have found his chosen labour an abundant source of comfort and satisfaction. To use a vulgar but strong expression, he was always *at it*. The mere mechanical labour of such frequent composition, correction, and transcription for THIRTY YEARS, in the "great work," became delightful. And when we add the stimulus of fame, utility, and the pleasure of intellectual exercise, it will be less difficult to imagine his real indifference to popular or imperial frowns, than to account for his sensitiveness to them. It is certain that he found more genuine pleasure in polishing an aphorism than in counselling a king. But he was determined to do both, *and he did*. The success of the philosopher was not disturbed by the failure of low intrigues and servile ambition. For the one he was sufficiently punished, and for the other he has had his reward.

The reader will observe that there appears to be two sets of *Philosophical* works; the English, which properly occupy the first 200 pages of this edition; and the Latin, which appear to be much more extensive. We have hitherto, with a single exception, adhered to the convenient order of arrangement adopted by the earlier printers; but the object of our brief summary will perhaps be best attained by diverging from this order again; and instead of considering the English apart from the Latin works, to give an account of them as one "great work." If we only had the English Philosophical works, the author would have been our lasting benefactor, and they would have borne the stamp of immortality. Looking at them as they now stand, at the *Advancement of Learning*, the *Sylva Sylvarum*, with its acknowledged imperfections, and the two fragments of the *Interpretation of Nature*, and *Filum Labyrinthi*, (beyond all comparison the most wonderful of fragments,) we should not merely have said that this man was sublime in eloquence, subtle of wit, exact in learning, gigantic in comprehension, and of wonderful insight; but that he was convinced of a disease which infected all science, when every one thought it in a sound state, and more than hinted at the remedy; that when the conception of being in the wrong way was in itself an achievement, he had a perpetual craving after, as well as an idea of, the right way; that he was not merely to leave the high road on which the footsteps of Plato and Aristotle were still visible, but find out one more excellent; and that the toil of his first steps was encouraged by visions, and refreshed by prospects, of the good and glory that were to follow. Nor would this be exaggeration; though the judgment may be considerably influenced by our acquaintance with some of them in that more matured and systematic shape, in which they have earned surpassing credit; but if we compare the English works with any others of that era, their superiority will be at once admitted.

The *Advancement of Learning* was published in 1605, under the title of *The two Books of Francis Bacon, of the Proficience and Advancement of Learning, divine and human. To the King.* The letters which accompany the presentation copies of this work are very interest-

ing. He begs the Earl of Northampton to "present this mean, but well meant, writing to the learnedest king that hath reigned," as his Lordship was "the learnedest counsellor in this kingdom." Sir Thomas Bodley receives the second copy, "in regard of his great and rare desert of learning: for books are the shrines where the saint is, or is believed to be. And he having built an ark to save learning from the deluge, deserved in propriety, any new instrument or engine whereby learning should be improved or advanced." He presents "the like argument" to the lord chancellor, and reminds him that as he had "much commandment over the author, so his Lordship had also a great interest in the argument." He prays the Earl of Salisbury's "acceptation" of it, after complimenting him on his being "a great governor in a province of learning, and adding to his place affection towards learning, and to his affection judgment." He signifies his duty to the lord treasurer, Buckhurst, and desires his favourable acceptance of a copy, "not only as a chancellor of an university, but as one that was excellently bred in all learning, and would therefore yield a gracious assent to his first love, and take pleasure in the adorning of that wherewith he was so much adorned." But we shall not refer to others.

Soon after the publication of this work Bacon requested Dr. Playfer, whose praise was in all the colleges at that time, to translate it into Latin; which he accordingly essayed, but with such an over-niceness, that he was not encouraged to go on with it. In the letter to Playfer on this business, he thus speaks of what he "chiefly sought" in that work. "I have this opinion, that if I had sought my own commendation, it had been a much fitter course for me to have done as gardeners used to do, of taking their seeds and slips, and rearing them first into plants, and so uttering them in pots, when they are in flower, and in their best state. But forasmuch as my end was merit of the state of learning, to my power, not glory; and because my purpose was rather to excite other men's wits, than to magnify mine own, I was desirous to prevent the uncertainness of mine own life and times, by uttering rather seeds than plants; nay, and farther, as the proverb is, by sowing with the basket, rather than with the hand." It will now be seen that this beautiful treatise was afterwards translated and greatly enlarged; but the *De Augmentis* will never diminish the home reputation of *The Advancement*. The first, however, was the only edition of *The Advancement* during the author's life.

We will now briefly notice the appearance of the *De Augmentis*, with the letters respecting it; and reserve any observations on the work itself, as the basis of the *Great Instauration*, until we review that performance as a whole. The *De Augmentis Scientiarum* was published in 1623; and this, says Tenison, is "the fairest and most correct edition." Copies were sent to the king, the prince, the Duke of Buckingham, Trinity College, and the Universities of Cambridge and Oxford, by all of whom it was duly acknowledged. He sends "the poor fruits of his leisure" to his Majesty, from whose court and presence he was virtually excluded. "This book was the first thing that ever I presented to your Majesty, and it may be will be the last. For I had thought it should have been *posthuma proles*, but God hath otherwise disposed for a while. It is a translation, but almost enlarged to a new work." He sends to the prince "the Book of Advancement of Learning, translated into Latin, but so enlarged as it may go for a new work;" and says, "it is a book, he thinks, will live, and be a citizen of the world, as English books are not." To Buckingham he writes, that "after his Majesty and his Highness, *he* was ever to have the third turn." This letter is literally a begging one, and so is that to the king, the postscript of which contains a petition worthy of Miserrimus himself. The philosopher was indeed their "prostrate and cast-down servant!" But these humiliating exhibitions are redeemed by the noble and dignified style which he assumes, in addressing the "famous college of Trinity," his alma mater, and her sister of Oxford. The "golden treatise," as Tenison would say, whose translations of these letters we adopt, is thus commended to their notice; and some will be

curious to be acquainted with their acknowledgments, but we can only gratify them with the Oxford reception.

"Francis, Baron of Verulam, Viscount of St. Alban, to the most famous College of the holy and undivided Trinity, in Cambridge, Health.

"The progress of things, together with themselves, are to be ascribed to their originals. Wherefore, seeing I have derived from your fountains my first beginnings in the sciences, I thought it fit to repay to you the increases of them. I hope, also, it may so happen that these things of ours may the more prosperously thrive among you, being replanted in their native soil. Therefore, I likewise exhort you, that ye yourselves, so far as is consistent with all due modesty and reverence to the ancients, be not wanting to the advancement of the sciences: but that, next to the study of those sacred volumes of God, the holy Scriptures, ye turn over that great volume of the works of God, his creatures, with the utmost diligence, and before all other books, which ought to be looked on only as commentaries on those texts. Fare ye well."

"To the indulgent Mother, the famous University of Cambridge, Health.

"I here repay you, according to my ability, the debts of a son. I exhort you also to do the same thing with myself: that is, to set your whole might towards the advancement of the sciences, and to retain freedom of thought together with humility of mind; and not to suffer the talent which the ancients have deposited with you to lie dead in a napkin. Doubtless the favour of the divine light will be present and shine amongst you, if philosophy being submitted to religion, you lawfully and dexterously use the keys of sense; and if, all study of opposition being laid aside, every one of you so dispute with another as if he were arguing with himself. Fare ye well."

"To the famous University of Oxford, Health.

"Since I have written to my indulgent mother the famous University of Cambridge, I should be wanting in respect were I not to offer a similar token of my affection to her sister. But as I have exhorted them, so do I now exhort you, strenuously to exert yourselves in the advancement of learning; and instead of imagining, that by the labours of the ancients, nothing or every thing has been attained, to reflect with humility upon your own powers, and aid their discoveries by your experience. The event must be prosperous, if, instead of mutually attacking each other, you unite your forces against the strong-holds of nature. This will afford you ample scope for honour and for victory. Fare ye well."

The following is the reply of Oxford; and that part of the heading, which is between brackets, was omitted by Tenison himself.

"Most noble and [what in nobility is next to a miracle] most learned Viscount.

"Your honour could have given nothing more agreeable, and the University could have received nothing more acceptable, than the sciences; and those sciences which she formerly sent forth poor, of low stature, unpolished, she hath received elegant, tall, and by the supplies of your wit, by which alone they could have been advanced, most rich in dowry. She esteemeth it an extraordinary favour to have a return with usury made of that by a stranger, (if so near a relation may be called a stranger,) which she bestows as a patrimony upon her children; and she readily acknowledgeth that though the muses are born in Oxford, they grow elsewhere: grown they are under your pen, who, like some mighty Hercules in learning, have by your own hand further advanced those pillars in the learned world, which by the rest of that world were supposed immovable.

"We congratulate you, you most accomplished combatant, who by your most di patronage of the virtues of others have overcome other patrons, and by your own wr yourself. For by the eminent height of your honour, you advanced only learned men at last (oh ravishing prodigy!) you have also advanced learning itself.

"The ample munificence of this gift lays a burden upon your clients, in the receiv which we have the honour, but in the enjoying of it the emolument will descend posterity; if, therefore, we are not able of ourselves to return sufficient and suitable t our nephews of the next age ought to give their assistance, and pay the remainder, if yourself, to the honour of your name. Happy they, but we how much more happy, whom you were pleased to do the honour of sending a letter written by no other th your own hand; to whom you have pleased to send the clearest instructions for re (your work,) and for concord in our studies, in the front of your book; as if it were a thing for your Lordship to enrich the muses out of your own stock, unless you taught also a method of getting wealth. Wherefore, this most accurate pledge of your understa has been with the most solemn reverence received in a very full congregation, both b doctors and masters; and that which the common vote hath placed in our public lib every single person has gratefully deposited in his memory. Your Lordship's most de servant, *The University of Oxford.*"

We now come to the second part of the "Great Work," the *Novum Organum Scientia* which appeared in 1620, and was dedicated to the king. On presenting a copy t Majesty, he thought fit to accompany it with some "private lines;" and this letter o 12th October, 1620, was intended to "seek access" for the work, "not so much t person, as to his judgment." The "private lines" are the best and most interesting acc of it. "The work, in what colours soever it may be set forth, is no more but a new l teaching to invent and judge by induction, as finding syllogism incompetent for scienc nature; and thereby to make philosophy more true and active." As it tended "to enl the bounds of reason, and to endow man's estate with new value," he thought it was no proper oblation to a king. The merit of this small book is mightily enhanced, whe informs his illustrious correspondent, that he "had been about such work near *thirty ye* One reason of his publishing it, before completing his vast design, was the precarious of his health—"to speak plainly, because I number my days, and would have it saved;" another reason for ushering it into the world by itself, was his desire to obtain assist and royal assistance too, in the execution of an indispensable work—"to try whether I get help in one intended part of this work, namely, the compiling a natural and experim history, which must be the main foundation of a true and active philosophy." This s sentence was fraught with a volume of discovery. He thought his Majesty's favour to work would be "as much as an hundred years' time." His assurance that this "porti the work" would last, even if the whole were not completed by him, is perfect—"for persuaded the work will gain upon men's minds with ages;" and he stamps it with immort when with blended modesty and dignity, he describes it to be "a work not meant for p or glory, but for practice and the good of men." "One thing" he was ambitious of, an was ambitious of this one thing "with hope," and it was a memorable ambition to indulg when the ardent philosopher felt the weight of declining years,—"that after these beginni and the wheel once set agoing, men shall seek more truth out of christian pens, than hit they have done out of heathen;" and this he confesses he was ambitious of "with hope "I say with hope, because I hear my former book of the *Advancement of Learning* is tasted in the universities here, and abroad; and this is the same argument sunk deeper

The "private lines" thus addressed to the king, whom he styled "the greatest m of reason, and author of beneficence," on earth, were acknowledged on the 16th Oct

a very gracious and sensible epistle, declaring the book " a most acceptable present," and " firm resolution to read it through with care and attention;" and assuring the author, that he could not have made choice of a subject more befitting his place, and his methodical and universal knowledge."

This " gracious acceptance " of the book was, of course, a " singular comfort " to the Chancellor; and on the 19th October, he thanked his Majesty for his condescension in a candid letter. As the king, however, had carefully avoided all reference to the " *help* " he had solicited, Bacon adroitly availed himself of " this comfortable beginning," to renew his application " to be aiding to him to set men on work for the collecting of a natural and experimental history," gravely tempting him with the pleasures of science; and he expresses a hope that " many noble inventions would be discovered for man's use," in the king's times; " for who can tell, now that this mine of truth is opened, how the veins go; and what lieth higher, and what lieth lower?" But the complimentary turn at the commencement of this letter is worthy of the " Wisdom of the ancients," where after comparing the king to a star, and quoting the famous " astrum Cæsaris " of Virgil, he thus evolves the application—" This work, which is for the bettering of men's bread and wine, which are the characters of temporal blessings, and sacraments of eternal, I hope, by God's holy providence, will be ripened by Cæsar's star."

Passing by the other presentation epistles, it will be seen from an early letter to Mr. Matthew, who was anxious to smooth down impediments to his friend's scheme, that some portion of this part of the work was finished in October 1609. The " churchmen " were not, in Matthew's opinion, to be unnecessarily ruffled, and " church matters " were not to be disturbed. Bacon knew that " churchmen," political churchmen, were not to be conciliated, and therefore did his best not to offend them. These " impediments," the political " churchmen," were the same all over the world, and freedom of thought must necessarily be obnoxious to them. Touch their power, and you touch them; and whatever might have been their diversities of doctrine or politics, and wherever the attempt might have been made, the shock is universally felt and resented. If the *Novum Organum* had been published at Rome instead of London, its author would have been handed over to the Inquisition. The Jesuits, the schoolmen, the political churchmen, had formed an alliance, offensive and defensive, with the mighty shade of Aristotle; and to this day they have never forgiven the Verulam for casting him out,—to this day the *Novum Organum* is a branded and forbidden book by the Vatican. Mr. Matthew was an exile at the time on account of his identification with this class of men. Bacon thus alludes to his " caution "—" For your caution as to churchmen and church matters, as for any impediment it might be to the applause and celebrity of my work, it moveth me not; but as it may hinder the fruit and good part which it is bound, I hold it a just respect, so as to fetch a fair wind I go not far about. But the truth is that I at all have no occasion to meet them in my way, except it be as they will needs confederate themselves with Aristotle, who, you know, is intemperately magnified by the schoolmen; and is also allied, as I take it, to the Jesuits by Faber, who was a companion of Loyola, and a great Aristotelian." The " part " sent with this letter showed " that the question between him and the ancients, was not of the virtue of the race, but of the rightness of the way." We must not omit an amusing comparison—" Other matters I write not of; myself am like the miller of Grancester, that was wont to pray for peace amongst the willows; for while the winds blew, the wind-mills wrought and the water-mill was less customed. So I see that controversies of religion must hinder the advancement of sciences."

In another beautiful letter to Matthew, after confessing his desires to be " that his writings should not count the present time or some few places in such sort as might make them either less general to persons or less permanent in future ages;" he says, " As to the

Instauration, your so full approbation thereof I read with much comfort, by how much mo my heart is upon it, and by how much less I expected consent and concurrence in a matt so obscure. Of this I can assure you, that though many things of great hope decay wi youth, and multitude of civil businesses is wont to diminish the price, though not the deligh of contemplation, yet the proceeding in that work doth gain with me upon my affection a desire, both by years and businesses. And therefore I hope even by this, that it is wel pleasing to God, from whom and to whom all good moves."

In his letter to Bishop Andrews, in 1622, he speaks of this work as that which he "d most esteem," and declared his intention of proceeding with the "new parts thereof." B this design was never accomplished.

It should be observed, that the several tracts which are now prefixed to the *De Augmenti* formed the introductory tracts of the *Novum Organum;* and this arrangement was n altered by the author himself, when he published the former work. But there can be doubt, that the transfer was judiciously made, and is still properly retained; because t tracts in question were merely advertisements to the Great Instauration, and not to th part of it to which they were first prefixed, and Bacon has expressly declared that he intend the *De Augmentis* to serve as the basis or first part of that work, to which these tracts a simply preliminary. We have therefore, notwithstanding Mr. Montagu's caveat against i preferred the old arrangement to that which he has thought proper to adopt; and we will pr ceed at once to a brief examination of the *Instauratio Magna,* in the order in which it stand

The *Sic Cogitavit* is the first of the small tracts, and fitly is it placed in the front. *Fra ciscus de Verulamio sic cogitavit, talemque apud se rationem instituit; quam viventibus posteris notam fieri, ipsorum interesse putavit.* It is a brief and solemn announcement the necessity of trying a "new way," and his motives for attempting it. Then comes t *Præfatio,* which, the reader will bear in mind, is not the preface to the *De Augmentis,* b to the Instauration; and it contains the pith of the whole matter. He discusses the state the sciences, discovers their low condition, and shows that a different way must be opene and other aids procured, in order to advance them. This Preface is a master-piece of writing and it unites, with a magical facility, all the graces of the florid style, with the most sub stantial matter—with thought the boldest, yet calm; the profoundest, yet clear; the mo minute and subtle, yet comprehensive. Many things will the reader find in it which he wi meet with elsewhere, but Bacon's repetitions of himself, like those of Demosthenes, are alwa improvements. In the appeal to the Deity, after expressing his convictions and announcin his plan, in this flowing and figurative manner, he uses the exquisite form of supplicatio (the Student's) already quoted, and concludes with some excellent "admonitions" respectin the limits of human reason, and some very fair requests touching the matter in hand. thorough school-man must have read this Preface with more than admiration; and if he s down the writer for a madman, he must have been convinced of his inspiration.

The *Distributio Operis* contains the several divisions of the work, with the arguments each division. The following are the six divisions or parts, into which it was proposed t distribute the *Magna Instauratio.*

I. *Partitionis Scientiarum,*—the Partition of Sciences.

II. *Novum Organum, sive Indicia de Interpretatione Naturæ,*—the New Organ, or Direc tions for the Interpretation of Nature.

III. *Phænomena Universi, sive Historia Naturalis et Experimentalis ad condendam Ph losophiam,*—the Phenomena of the World, or Natural and Experimental History for th building up of Philosophy.

IV. *Scala Intellectus,*—the Ladder of the Understanding.

V. *Prodromi, sive Anticipationes Philosophiæ Secundæ,*—the Forerunners, or Anticipation of the Second Philosophy.

VI. *Philosophia Secunda, sive Scientia Activa,*—the Second Philosophy, or Active Science. It was a part of his design to deliver every thing with all possible plainness and perspicuity—" for the nakedness of the mind, as once of the body, is the companion of innocence and simplicity;" and he proceeds to exhibit the order of the work, and the reasons for it. This small piece, well studied, will enable us to form some idea of the author's design, of which the first two divisions only were completed; and as we are not aware of any other account of it, at once so full and succinct, we shall present a short outline of it.

The *first* part exhibits the sum or universal description of the science or learning then possessed, in order to improve the labours of the ancient, as well as to introduce what is new. Deserted plots are to be found in the very midst of cultivated ones, and he intended to point them out, though this might bring about some change in the accustomed divisions and partitions, as an addition to the whole varies the parts. But he promises to assist in supplying the *desiderata* that may be noted. For these designs of his were no slight, superficial notions—mere desires and good wishes—but practicable and within compass.

Having examined into the ancient arts, the next thing is to enable the human intellect to advance; therefore to the *second* part belongs the doctrine concerning a better and more perfect use of reason in the investigation of things, and concerning the true helps of the understanding in the interpretation of nature. This new logic, while it agreed with the old in its professed object, differed from it in three things: *viz. ipso fine, ordine demonstrandi, et inquirendi initiis.* The *end* was not arguments, but arts; not things consentaneous to principles, but principles themselves; not probable reasons, but designations and indications of works. And from a diversity of intention, there ensues a diversity of effect; in the one an adversary is to be overcome by disputation, in the other nature, by works. The demonstrations of the vulgar logic accorded with their end, employing syllogisms, and passing over induction. He rejects demonstration by the former, as it proceeds confusedly, and lets nature escape out of our hands; as it is barren of operations, and remote from practice, and incompetent to the active part of sciences. For though the things which are coincident in a middle term, are in themselves coincident, yet the syllogism consists of propositions, propositions of words, and words are the tokens and signs of the things; and if the notions of the mind themselves (" quæ verborum quasi anima sunt") be improperly and rashly abstracted, or not sufficiently defined or limited, all is lost. He therefore leaves it to its jurisdiction, " in artes populares et opinabiles," with which he does not meddle, and makes use of induction. The *order* also is different, as well as the *initials* of inquiring; for instead of proceeding immediately from the sense, and some few " particulars," to the highest " generals," *axioms* are gradually to be raised into general truths, by solution and separation of experience, and advised rejections and exclusions, by questioning the *prime notions* of the intellect, by guarding the very senses themselves, and purifying the understanding of every thing that may hinder the reception, conception, and erection of truths. By clearly showing what the nature of things, and what the nature of the mind, would bear, he presumed that he had prepared and adorned (the divine goodness being present at the rites) *thalamum mentis et universi*, the bride-chamber of the mind and of the universe; and his epithalamium was," ut ex eo connubio auxilia humana, et stirps inventorum, quæ necessitates ac miserias hominum aliqua ex parte docent et subigant, suscipiatur.

But his object was not only to point out and fortify the way, but to proceed in it; and therefore the *third* part of the work was to comprise the *Phænomena Universi*, or such an experimental and natural history, as shall be fundamental to the building up, as it were, of natural philosophy. For the method must have materials, and all must be sought from the very things themselves; nor can all the wits in the world be a substitute for this laborious acquisition. And as nothing of this sort had been accomplished, and that which had been attempted had merely furnished depraved matter for the preposterous subtleties of argu-

mentation, there was no hope of greater advancement and progress, but in the total restoration of the sciences; and he accordingly proposed to erect a natural history which should differ as much from that in vogue, as his logic; in the end, or office; in the mass, or congeries; in subtlety; in the selection and arrangement. The *office* of his natural history was to afford light to invention; as for the *congeries* of it, his compilation was to embrace a history of nature "vexed by art," as well as free and unrestrained; for the *subtlety*, he was to project those experiments which, though not of independent value, should have the same reference to things and works as the letters of the alphabet have to speech, and words; and his *selection* of reports and experiments, he was to neglect fables and vanities, and exhibit the manner of conducting his inquiries, so that proofs may be examined; and to disperse monitions, and samples, and conjectures, that every thing fantastic may be exposed and abjured; and thus secure an access unto nature, and present solid, prepared matter for the understanding. The result of Bacon's own researches under this division, appears in the *Sylva Sylvarum*, published after his death, and consisting of a collection of ten centuries (or one thousand) experiments, many of which are very curious, though by no means coming up to the high mark of his own theory. But it was "a royal work, requiring the purse of a prince, and the assistance of a people," the work of many, and the work of ages, and not to be looked for at the hands of any single individual.

Part *fourth*, or *Scala Intellectus*, appears to have been designed for a special illustration of the rules and directions of the *Novum Organum*, for building up a sound philosophy by means of particular histories, framed out of the *Phænomena Universi*. The *Scala Intellectus* was to be applied to the *Phænomena Universi*, or (to use the other figurative titles of the third and fourth portions of the work) the *Filum Labyrinthi* was to be the clue of the *Sylva Sylvarum*. The author never published any thing with a view to supply the *fourth* part, but he probably meant by the "ladder of the understanding," an exposition of the mental process of invention itself, by illustrating the steps and progress of the mind in ascending from particular to general truths, from *phenomena* to *axioms*; in fact it would have been a treatise of mental philosophy, and thus Mr. Locke might have been anticipated.

Part *fifth*, *Prodromi, sive Anticipationes Secundæ Philosophiæ*, was to have been the forerunners, the anticipations, or in other words, an introduction to the sixth part, or the secondary philosophy; and would have consisted, we presume, for it is by no means clear, of probable, but not grounded observations, casual experiments, and supposed facts, which, though the certitude be not settled, and they are merely the result of vulgar demonstrations, may nevertheless have a great share of truth and utility.

The *sixth* and last part of the work, *Philosophia Secunda, sive Scientia Activa*, was to be the grand result of all the rest; the philosophy educed and constituted out of such a legitimate, pure, and strict inquiry as that already recommended and prepared; a consummation which he confesses to be far above his strength, and beyond his hopes, but towards which he is confident he had made a beginning. The conclusion of this extraordinary programme is wonderfully fine, and as a passage, a burst of eloquence, the noblest ever penned by one who has penned the noblest. He finds his way direct to men's business and bosoms, by telling them that it was not mere contemplative felicity which was concerned in this matter, but their affairs, their fortunes, their power over works. He repeats his own immortal axiom, Homo naturæ minister et interpres, an axiom which it became the loftiest of men to pronounce; and after speaking, with power and high authority, to his fellow-men, as an interpreter, he humbly supplicates from above, as their representative, "the largess of new alms to mankind."

The first part of the Instauration, according to this Distribution, namely, the *Partitiones Scientiarum*, is supplied by the *Advancement of Learning*, which was published in 1609, and translated, for the purpose of occupying this position, in 1624, with "great and ample

additions." The two books of the one were extended to nine. It is rather remarkable that the first of the philosophical works of such an author should also have been the last; or rather that, after so considerable a lapse of time, such a man should have found that his first work would suffice in substance, and with a few formal alterations, for a basis of his "Great Work." As the first book of the one is almost a literal translation of the first book of the other, we shall take the English in preference to the Latin, in this account of the work.

The title itself explains the design of the work, *De Dignitate et Augmentis Scientiarum.* The dignity of learning is asserted in the first part and the first book, and the remaining books are devoted to its advancement.

Before we examine either of these divisions, let us look at the dedication of it to King James, which is properly put as a part (and though but a page, it is no mean part) of the work. Its composition is beautiful. Flattery the most fulsome is presented with such grace, as to confer a dignity upon his very prostration; the writer is greater than the king. As the form of these things is a matter of taste, and there is no standard, mere conformity with the manner of an age should not be confounded with sycophancy. The puffs of Elizabeth and James please every one, and deceive nobody. Who thinks the less of Spencer, Raleigh, or Shakspeare for their over-wrought compliments? Surely then it is sheer invidiousness to call Bacon a prodigy of obsequiousness. His compliments are a mixture of ingenuousness with ingenuity, of lofty bearing and generous obeisance, of mental grandeur with feudal homage. There was nothing of the *literateur* about the gigantic race to which he belonged,—it was reserved for the degenerate creatures of a more hollow period to bespeak fees for their servility, and huckster for their praise. Our author was sufficiently aware of the value of his performance; and who does not sympathize with the philosopher, as his great initiative work advanced, as to the party who was to be selected for the forthcoming honour? Great had been his anxieties, travels, and straits; but as the new reign opened upon his assiduous anticipation, the prize of civil, and the guerdon of literary, honour glittered within his reach. James was more of a scholar than king; and this "conjunction" determined his choice. He declares against dedications, but cunningly slips in a very complimentary exception. "Neither is the modern dedications of books and writings, as to patrons, to be commended: for that books such as are worthy the name of books, ought to have no patrons but truth and reason. And the ancient custom was, to dedicate them only to private and equal friends, or to entitle the books with their names; *or if to kings and great persons*, it was to some such as the argument of the book was fit and proper for." When Bacon determined to present this "free-will offering" to his Majesty, we have observed that he tendered his oblation with superlative eloquence and address. Without anticipating his pleasure who enters upon this high work for the first time, we may be permitted to quote a part of the concluding sentence, or rather strain, upon the king's learning "in all literature and erudition, divine and human." "For it seemeth much in a king if, by the compendious extractions of other men's wits and labours, he can take hold of any superficial ornaments and shows of learning, or if he countenance and prefer learning and learned men: but to drink indeed of the true fountains of learning, nay, to have such a fountain of learning in himself, in a king, and in a king born, is almost a miracle. And the more, because there is met in your Majesty a rare conjunction, as well of divine and sacred literature, as of profane and human; so as your Majesty standeth invested of that triplicity which in great veneration was ascribed to the ancient Hermes: the power and fortune of a king, the knowledge and illumination of a priest, and the learning and universality of a philosopher." But all this sounding adulation was evidently intended to set off and illustrate the solid compliment which the servant was paying to his royal master. "This propriety inherent, and individual attribute in your Majesty, deserveth to be expressed,

not only in the fame and admiration of the present time, nor in the history or tradition of the ages succeeding; *but also in some solid work, fixed memorial, and immortal monument, bearing a character or signature, both of the power of a king, and the difference and perfection of such a king.*" And therefore he sends this treatise as "tending to that end."

The age of Bacon has generally been styled the learned age, and yet our author felt himself called upon to vindicate its dignity! But that learning was absolutely confined (so far as it gives the name to that age) to a knowledge of the Greek and Latin authors; it was a learning acquired in a very different spirit from that in which it was originally promulged; it was, therefore, a jealous learning, and Bacon, though a perfect master of it himself, was about to become in some respects its impugner. He therefore maintained and asserted, with great force and unparalleled richness of diction, the dignity of learning. But he so asserted it, as to show the most rigid devotees of antiquity, while he captivated them by the variety and splendour of his vindication, that "there were more things in heaven and earth than were dreamt of in *their* philosophy."

The first book, therefore, maintains "the excellency of learning and knowledge." This may seem, now-a-days, to be a needless expenditure of time and trouble, but it was a triumphant effort then, and there has not been any thing equal to it since. The examination of our early impressions and fundamental notions, is a useful, but a most difficult procedure, as any one who has tried to think or write continuously on *things taken for granted*, will at once acknowledge. In this discourse, therefore, on learning itself, the modern scholar will find set forth, with logical precision and consummate clearness, facts and principles of permanent value in relation to it.

The discredits and disgraces which learning has received from ignorance, "but ignorance severally disguised," are first considered: these include the objections to learning, "appearing sometimes in the zeal and jealousy of *divines*, sometimes in the severity and arrogancy of *politicians*, and sometimes in the errors and imperfections of learned men." *Divines* allege, "that the aspiring to overmuch knowledge was the original temptation and sin, whereupon ensued the fall of man; that knowledge hath in it somewhat of the serpent, and therefore when it entereth into a man, it maketh him swell; that Solomon gives a censure, "that there is no end of making books, and that much study is a weariness of the flesh;" and that "in spacious knowledge there is much contristation, and he that increaseth knowledge increaseth anxiety;" that St. Paul gives a caveat, "that we be not spoiled through vain philosophy;" that experience demonstrates how learned men have been arch-heretics, how learned times have been inclined to atheism, and how the contemplation of second causes doth derogate from our dependence upon God, who is the first cause. It cannot be denied that the objections of divines are not fairly stated; and they are objections which the reader will hear at present, uttered by some of them in high and low places, at the mystic shrine, and the cloudy coterie, and in the broad world. We have no space for the "reprehension" of this fallax, but it would be a good exercise for the student, who may be startled with them, to try to answer them himself, before turning to our author.

The objections of *politicians* are stated with equal fairness, and answered with equal success: "That learning doth soften men's minds, and makes them more unapt for the honour and exercise of arms; that it doth mar and pervert men's dispositions for matter of government and policy, in making them too curious and irresolute by variety of reading, or too peremptory or positive by strictness of rules and axioms, or too immoderate and overweening by reason of the greatness of examples, or too incompatible and differing from the times by reason of the dissimilitude of examples; or at least that it doth divert men's travels from action and business, and bringeth them to a love of leisure and privateness; and that it doth bring into states a relaxation of discipline, whilst every man is more ready to argue than to obey and execute." Here again are enumerated and most fairly set forth,

all the objections of the politicians—we yet hear of them from them, and they are yet used and acted on. Let Bacon furnish the reply, and the objectors, wherever ensconced, must fall with their objections.

The "discredits," from "the errors and imperfections of learned men themselves," are next considered. Those which may arise from their fortune, or condition, such as scarcity of means, privateness of life, and meanness of employments, or from their manners, are soon disposed of.

The "vanities" which have been mixed up with their studies, at least such as fall under a "popular observation," are next animadverted upon: and vanities in studies are declared to be chiefly of three sorts; the fantastical, the contentious, the delicate learning; vain imaginations, vain altercations, and vain affectations. The accounts of the "first distemper of learning, when men study words and not matter;" of the second, when they follow speculations of "unprofitable subtility or curiosity;" and of the third, "delight in deceiving, and aptness to be deceived," are replete with the soundest observations. Having "gone over these three diseases of learning," he notices briefly, but with the finest touch, "some other rather peccant humours than formed diseases, which nevertheless are not so secret and intrinsic, but that they fall under a popular observation and traducement:" such as an affectation of antiquity or novelty, diffidence of the possibility of new discoveries, strong prepossessions that the best opinions have always prevailed, a premature reduction of knowledge to methods and systems, the neglect or abandonment of the *philosophia prima*, too great a reverence of the mind withdrawing men from experience, the infection of general philosophy with particular arts, conceits, or studies, "impatience of doubt and haste to assertion," peremptory tradition of knowledge, narrow views and objects, and mistaking the true end of knowledge. We quote the account of this last mentioned "peccant humour," as a sample of his "dissection" of them all.

"But the greatest error of all the rest, is the mistaking or misplacing of the last or furthest end of learning and knowledge: for men have entered into a desire of learning and knowledge, sometimes upon a natural curiosity, and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; sometimes to enable them to victory of wit and contradiction; and most times for lucre and profession; and seldom sincerely to give a true account of their gift of reason, to the benefit and use of men: as if there were sought in knowledge a couch, whereupon to rest a searching and restless spirit; or a terrace, for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state, for a proud mind to raise itself upon; or a fort, or commanding ground, for strife and contention; or a shop, for profit, or sale; and not a rich storehouse, for the glory of the Creator, and the relief of man's estate."

He then weighs the dignity of knowledge "in the balance with other things," and takes the value by testimonies and arguments divine and human. From the "wisdom of God," the knowledge of angels, the production of light, the employments of Paradise, the learning of prophets and apostles, and the procedures of the Redeemer, he argues upon divine testimony and evidence the true dignity and value of learning. He then adduces "human proof," and, "in so large a field," the selection of them is as choice as the statement is beautiful. He shows that the inventors of arts were even deified by the heathens, and how civil policy was regulated and states advanced by learning. Its dignity is lastly asserted from its moral effects; and after going over four particulars, he conducts the argument, on human grounds alone, to the verge of immortality.

"Let us conclude with the dignity and excellency of knowledge and learning, in that whereunto man's nature doth most aspire, which is immortality or continuance: for to this tendeth generation, and raising of houses and families; to this tend buildings, foundations, and monuments; to this tendeth the desire of memory, fame, and celebration, and in effect

the strength of all other human desires. We see then how far the monuments of wit and learning are more durable than the monuments of power, or of the hands. For have not the verses of Homer continued twenty-five hundred years or more, without the loss of a syllable or letter; during which time infinite palaces, temples, castles, cities, have been decayed and demolished? It is not possible to have the true pictures or statues of Cyrus, Alexander, Cæsar, no nor of the kings or great personages of much later years; for the originals cannot last, and the copies cannot but lose of the life and truth. But the images of men's wits and knowledges remain in books, exempted from the wrong of time, and capable of perpetual renovation. Neither are they fitly to be called images, because they generate still, and cast their seeds in the minds of others, provoking and causing infinite actions and opinions in succeeding ages: so that if the invention of the ship was thought so noble, which carrieth riches and commodities from place to place, and consociateth the most remote regions, in participation of their fruits, how much more are letters to be magnified, which, as ships, pass through the vast seas of time, and make ages so distant to participate of the wisdom, illuminations, and inventions, the one of the other!"

The public means of promoting learning, "by amplitude of reward, by soundness of direction, and by conjunction of labours," are then considered, and urged upon the attention of the king. The public acts of merit towards learning are conversant about *places, books,* and *teachers: places* must have convenient buildings, endowments, franchises, and ordinances; *books* require libraries, &c.; and *teachers* should be readers in the present arts and sciences, and inquirers after new ones; and six *desiderata* are pointed out, all of which, except the last, a public or authorized institution, for the discovery of arts, have been since to a considerable extent supplied.

We now come to the main subject of the work, the *Partitiones Scientiarum,* or the Distribution of Knowledge. Bacon had "taken all knowledge to be his province," and his object here is to survey the whole field of learning, visiting every quarter of it, and reporting the state of its various departments. In order to facilitate so extensive an inquiry, he refers the subjects of investigation to those faculties, with which they were supposed to be principally concerned—"HISTORY to the MEMORY, POETRY to the IMAGINATION, and PHILOSOPHY to the REASON." That this division, whatever may be its convenience, is logically erroneous is almost self-evident; and it has been largely shown to be so by Dugald Stewart, in the Preface to his *Preliminary Dissertation,* and Jeremy Bentham, in the second part of his *Chrestomathia.* The latter, and the greater philosopher of the two, asks, What is the primary *source* of this division? "Not the nature of the *subject,* and its respective parts, but the nature of the several human faculties, which, by a strange misconception, are respectively considered as applying themselves exclusively to different parts of it. Strange indeed may this misconception be pronounced: at any rate, if it be true, that when these faculties come to be mentioned, so it is that, of all the branches into which the body of the arts and sciences has ever been or ever can be divided, not a single one can be mentioned, upon which the whole list of the human faculties cannot be shown to be, in some way or other, applied." Both Stewart and Bentham were occupied at the same time, each without the knowledge of the other, on the same task of examining this threefold distribution of Bacon's. The former concluded his critical strictures by acknowledging that it was more easy to point out its defects than to supply them; but the latter laboured on, and struck out "*the first lines of a Tabular Diagram of the principal and most extensive branches of art and science, framed in the exhaustively-bifurcate method,*" of which the success would have been complete, if the nomenclature had been simpler. These two philosophers, however, speak with great respect of Bacon's design. Bentham says, "for the age of Bacon, his sketch was a precocious and precious fruit of the union of learning with genius;" and Stewart is far from concluding that it was "the abortive offspring of a warm imagination," but "in every

respect worthy of the sublime genius by which it was formed." It would be absurd to conclude that because Bacon refers history to the memory, poetry to the imagination, and philosophy to the reason, that therefore his illogical method affects the correctness of the enumerations, definitions, and subordinate classifications themselves. We believe that Bacon's survey, vast as it is, will be found to be the correctest ever given; and that his report itself (we speak of course in relation to the then state of sciences) was not, and could not be vitiated by the preliminary mistake; and none knew better than himself, "that all partitions of knowledges should be accepted rather for lines and veins, than for sections and separations; that the continuance and entireness of knowledge be preserved."

Upon this universal partition of knowledge into History, Poetry, and Philosophy, taken from the triplicity of the intellectual faculties, our author wrote the *Partitiones Scientiarum*, which occupies the eight remaining books, of which it is impossible to present any satisfactory analysis, from the depth of their erudition, and the amazing minuteness as well as encyclopædical vastness of his plan. Let the reader turn to the tabular view, entitled, "The General Distribution of Human Knowledge," in *The Advancement*, which is a literal translation of that "Partitio Universalis Doctrinæ Humanæ," in the *De Augmentis*; and from the inspection of such a table of contents, he will be disposed to agree with us that any intelligible or useful outline of such a work is not compatible with the limits of this Essay. But on all and each of these, large and small, principal and secondary, does Bacon descant with unequalled sagacity, pointing out the deficiencies of each, and the means of rectifying the errors of all.

The remainder of the second book is taken up with the two first of his partitions, History and Poetry. Eleven chapters are devoted to the former, with its divisions and subdivisions; and the twelfth contains the best account ever given of the second principal part of human learning—"Poesy," in which he can report no deficience. "It being as a plant that cometh of the lust of the earth, without a formal seed, it hath sprung up and spread abroad more than any other kind: but, to ascribe to it that which is due, for the expression of affections, passions, corruptions, and customs, we are beholden to poets, more than to the philosophers' works; and for wit and eloquence, not much less than to orators' harangues. But it is not good to stay too long in the theatre. Let us now pass on to the judicial place or palace of the mind, which we are to approach and view with more reverence and attention."

The third book contains six chapters, and is occupied with the partitions of philosophy into the "three knowledges"—of God, of nature, of man. "In philosophy, the contemplations of man do either penetrate unto God, or are circumfered of nature, or are reflected or reverted upon himself; out of which several inquiries there do arise three knowledges, Divine Philosophy, Natural Philosophy, and Human Philosophy, or humanity. For all things are marked or stamped with this triple character—of the power of God, the difference of nature, and the use of man." He there recommends the erection of the Philosophia Prima. Natural Theology is the subject of the second chapter, and the remaining chapters are occupied with the speculative and operative partitions of natural philosophy, and the partition of the mathematics. Perhaps his proposed "Kalendar of Popular Errors" suggested to Sir Thomas Browne, who was his friend, the "Vulgar Errors." This chapter being completed, the author says of it, "Thus have we now dealt with two or three beams of man's knowledge, that is, *radius directus*, which is referred to nature; *radius refractus*, which is referred to God, and cannot refract truly because of the inequality of the medium; there resteth *radius reflexus*, whereby man beholdeth and contemplateth himself."

The fourth book, which consists of three chapters, is accordingly occupied with a portion of the *radius reflexus*, the philosophy of humanity, of which the second chapter is the most valuable, as treating of medicine, under the three parts of the preservation of health, the

cure of diseases, and the prolongation of life; and the first chapter, among other curious suggestions, certainly hints at our modern phrenology. "But unto all this knowledge *de communi vinculo*, of the concordances between the mind and the body, that part of inquiry is most necessary which considereth of the seats and domiciles, which the several faculties of the mind do take and occupate in the organs of the body; which knowledge hath been attempted, is controverted, and deserveth to be much better inquired." But this inquisition requires a "Delian diver," and he has not been found yet. "And thus much," concludes our author, "of that particular human philosophy which concerns the body, which is but the tabernacle of the mind."

The fifth book "concerns the mind," and it consists of five chapters. The partitions are into logical and ethical: and logic is divided into invention, judgment, memory, and tradition; "for man's labour is to invent that which is sought or propounded; or to judge that which is invented; or to retain that which is judged; or to deliver over that which is retained." *Invention* is of two kinds, "much differing," the one of arts and sciences, the other of arguments: the former is reported deficient on three grounds, and he delivers some important instructions in the latter. The art of *judging* is divided into corrupt and genuine, or syllogism and induction; and again into analytics and the doctrine of confutations; the last of which consisted of three parts, the *confutation of sophisms, interpretation*, and *idols*. The doctrine of idols was partitioned into *idols* of the *tribe*, the *den*, and the market. The art of custody or *memory* he divided into the doctrine of *helps* for the memory, and of the memory itself.

The sixth book contains four chapters, and treats of the art of memory, which he divides into *grammar, method*, and *ornament of speech*. Grammar, of which he seemed to have a very perfect conception, is divided into the *art* of *speaking*, and the *art* of *writing;* and again into *literary* and *philosophical*, or with regard to words and things. The art of *speaking* regarded the accidents of words, (1.) sound, (2.) measure, (3.) accent. The art of *writing* has two parts, with regard, (1.) to alphabet, and, (2.) cipher. Method of speech is distinguished into, (1.) doctrinal or initiation, (2.) open or concealed, (3.) aphoristical or regular, (4.) into question and answer, and, (5.) the method of conquering prejudice. Rhetoric and oratory are considered under the doctrine of ornament of speech, with an appendage respecting a collection of sophisms, studied antithets, and lesser forms of speech. And under two general appendices of traditive knowledge, he reviews the art of criticism, and school-learning; in the one he discusses certain points relative to *editions* of authors, illustrating authors, and censuring them; and the other is considered under the separate heads of public *schools* and *colleges;* of *preparing* the *genius;* of suiting the *study* to the *genius;* of the use of academical exercises; and the action of the stage, considered as a part of discipline in schools. The *Colours of Good and Evil*, will be found in the third chapter of this book.

The seventh book is occupied with *ethics* or morality; the leading divisions of which relate to the doctrine of the image of good, and the cultivation of the mind; under both of which will be found a rich but compact store of moral observations, as terse and yet as full, for pages together, as any of the Essays themselves.

The eighth book contains, in three chapters, the partition of *civil knowledge*, and it is worthy of one so thoroughly acquainted with human affairs. It is treated of under the three heads, of, (1.) prudence in conversation, (2.) prudence in business, and, (3.) prudence in government. That part of the second head, which concerns the advancement of fortune, or the way of rising in life, discovers the most extraordinary study of, and insight into, the art of promotion. In the third chapter are discussed the partitions relative to the preservation, the happiness, and the enlargement of a state; and the doctrine of universal justice, already noticed.

We must quote, with a slight omission or two, the splendid passage which he introduces in concluding the eighth book of partitions.

"Thus have I concluded this portion of learning touching civil knowledge, and with civil knowledge have concluded human philosophy; and with human philosophy, philosophy in general: and being now at some pause, looking back into that I have passed through, this writing seemeth to me, si nunquam fallit imago, as far as a man can judge of his own work, not much better than that noise or sound which musicians make while they are in tuning their instruments, which is nothing pleasant to hear, but yet is a cause why the music is sweeter afterwards. So have I been content to tune the instruments of the Muses, that they may play that have better hands. And surely when I set before me the condition of these times, in which learning hath made her third visitation or circuit in all the qualities thereof; as the excellency and vivacity of the wits of this age; the noble helps and lights which we have by the travails of ancient writers; the art of printing, which communicateth books to men of all fortunes; the openness of the world by navigation, which hath disclosed multitudes of experiments, and a mass of natural history; the leisure wherewith these times abound, not employing men so generally in civil business, as the states of Græcia did in respect of their popularity, and the state of Rome in respect of the greatness of their monarchy; the consumption of all that ever can be said in controversies of religion, which have so much diverted men from other sciences; and the inseparable propriety of time, which is ever more and more to disclose truth;—I cannot but be raised to this persuasion, that this third period of time will far surpass that of the Græcian and Roman learning: only if men will know their own strength and their own weakness both, and take one from the other, light of invention, not fire of contradiction; and esteem of the inquisition of truth as of an enterprise, and not as of a quality or ornament; and employ wit and magnificence to things of worth and excellency, and not to things vulgar, and of popular estimation. As for my labours, let men reprehend them, so they observe and weigh them. For the appeal is lawful, though it may be it shall not be needful, from the first cogitations of men to their second, and from the nearer times to the times farther off."

The ninth and last book relates to the division of inspired theology, "the sabbath and port of all men's labours and peregrinations," which he leaves to divines; and only discusses its three appendices—the doctrine of the right use of reason in theology; the degrees of unity in the city of God; and lastly the emanations of the Scriptures, the unadulterated first flowings of Bible truth, or a short and judicious collection of notes and observations upon particular texts of holy writ.

Between the *De Augmentis* and *Novum Organum*, is placed the *Novus Orbis Scientiarum, sive desiderata*, containing a list or recapitulation of the deficiencies of knowledge, "noted" in the eight last books of the former work; which embrace its two main divisions of memory and reason, or history and philosophy.

The author had thus "made as it were a small globe of the intellectual world:" and we have no such survey extant. It was no small mastery of knowledge to obtain a general acquaintance with the state of contemporary learning; but our author appears to have been intimately acquainted with the principles of the sciences, although not with their endless ramifications into particulars. His acquisitions extending almost to all that there was to acquire, it will be seen that he observed carefully and pointed out clearly, wherein, upon their own grounds, they were deficient, "either as not constantly occupate or not well converted by the labour of man." Their position being retrograde, or moving in a wrong direction, the necessity of "advancement" is universally felt through their whole mass or globe. The man that could so thoroughly acquaint himself with such themes, and in such simple but lofty terms inform others of the results of his reflections,—who could exhibit with equal sagacity and accuracy, these many and great *desiderata*, and kindle his various sub-

jects into a blaze of hopeful glory, "by power capacious and serene,"—was the man to supply the "one thing" they all lacked, by realizing his own anticipations, and making the very conquest he predicted.

"Sequitur," therefore, says the reporter himself, "secunda pars INSTAURATIONIS quæ artem ipsam interpretandi naturam, et verioris adoperationis intellectus, exhibit: neque eam ipsam tamen in corpore tractatus justi; sed tantum digestam per summas, in aphorismos."

We now come to the second, and by far the most important, part of the Great Instauration, which he entitles, probably after Aristotle's *Organon*, the *Novum Organum Scientiarum*, or a new method of studying the sciences. It is the philosophy of the instrument, the philosophy of science itself, or the universal philosophical machine. The *Cogitata et Visa*, written many years previously, was the rough draft of this great conception, but this is the result of, apparently, the most arduous of his labours. The preface is unostentatious but pregnant. He first glances at the state of ancient philosophy. Condemning at the onset the two opposite errors which had hitherto prevented a just acquaintance with nature; the one being that of magisterially pronouncing on her operations, as if we had done every thing, and knew all that could be known, which of course stops further inquiry, and quenches the spirit of discovery; the other being that of the sceptical philosophers, who maintain that nothing can be known. After preferring the middle course of the more ancient Greeks, who, "inter pronunciandi jactantiam et acatalepsiæ desperationem," though they complained of the difficulty of inquisition, and the darkness of things, still kept on; he objects to them, that even they, though bent upon discovery rather than disputation, did not appear to have applied a sufficient rule in their inquiries, but placed all things in subtlety of thought and fluctuation of the mind. We then have the design of the work before us, which he describes as more easily explained than executed, "for it is that we may establish a scale of certainty, that we may defend the sense by a kind of reduction, though generally rejecting that work of the mind that is merely subsequent on sense; still that we may open and defend a new and certain way from the perception of the senses themselves." The art of logic intended thus much, but it came too late as a remedy after the mind was possessed by customs, and polluted by idols, which it rather fixed than corrected. He therefore sees no other remedy than the beginning anew the whole work of the mind, and from the very first never to leave it to itself, but keep it under perpetual regulation; "*ac res, veluti per machinas, conficiatus.*" The mind needs its instruments as well as the body, and what the assistance of mechanical powers is to the one, a right method of employing its faculties is to the other. The upshot of the whole matter is thus strikingly illustrated and set forth. "Truly if men had set about mechanical works, with their bare hands, unassisted with instruments, as they have ventured to set about intellectual works almost with the naked powers of the mind, they would have found themselves able to have effected very little, even though they combined their forces. If some large obelisk were to be raised, would it not seem a kind of madness for men to set about it with their naked hands? And would it not be greater madness still to increase the numbers of such naked labourers, in confidence of effecting the thing? And were it not a farther step in lunacy, to pick out the weaker bodied, and use only the robust and strong; as if that would certainly do? But if not content with this, recourse should be had to anointing the limbs, according to the art of the ancient wrestlers; and then all begin afresh; would not this be raving with reason? Yet this is but like the wild and fruitless procedure of mankind in intellectual matters, whilst they expect great things from *multitude* and *consent*, or the excellence and penetration of capacity; or strengthen as it were the sinews of the mind with logic. And yet, for all this bustle and struggle, men still continue to work with their naked understandings. At the same time it is evident, that in every great work, which the hand of man performs, the strength

of each person cannot be increased; nor that of all be made to act at once, without the use of instruments and machines."

He considers it fortunate that his design does not interfere with the ancients, whose honours remain undisturbed, as he does not proceed in their way, but in one altogether new and untried, and unknown to them; nor was he bent upon disturbing the received system of philosophy, which might for him continue to cherish disputes, and embellish speech, as his would not be useful for such ends; not being very obvious, or flattering to pre-notions, or taking with the vulgar, otherwise than by utility and effects. Therefore he wished that there should be two fountains or dispensations of doctrines—two friendly tribes of philosophers; in short, one method of cultivating and another of discovering the sciences. After wishing success to those who find the former more agreeable, he appeals in noble style to the true sons of science to join with him. "If any one has it at heart, not only to receive the things hitherto discovered, but to advance still farther; and not to conquer an adversary by disputation, but to conquer nature by works; not neatly to raise probable conjectures, but certainly and demonstratively to know; let him attach himself to us,—that leaving the entrance of nature which infinite numbers have trod, we may at length pass into her inner courts." He concludes with a natural request enough for a fair hearing, as the piece had been re-written by him no less than twelve times, in so many years, until, out of the *Cogitata et Visa*, it was brought to its present degree of perfection; and wishes that, when the subject was mastered, the method tried, experience consulted, and ill habits corrected, they who have thus begun to be themselves, would use their judgment on his work.

The *Novum Organum* consists of two books, of which the first is intended to prepare the mind for the reception and use of the instruments and instructions contained in the second; which delivers, or professes to deliver, the art of working with this new machine in the interpretation of nature.

The first book consists of one hundred and thirty aphorisms, concerning "the interpretation of nature, and the dominion of man." This form of writing in aphorisms was considered to possess some advantages over the common method; which looks more plausible and continuous, but is often a mere deceptive colouring thrown over a few empty and futile particulars. "The writing in aphorisms," we are told in the *Advancement of Learning*, "hath many excellent virtues, whereto the writing in method doth not approach. For, first, it trieth the writer whether he be superficial or solid: for aphorisms, except they should be ridiculous, cannot be made but of the pith and heart of sciences; for discourse by illustration is cut off; recitals of examples are cut off; discourse of connexion and order is cut off; so there remaineth nothing to fill the aphorisms, but some good quantity of observation: and therefore no man can suffice, nor in reason will attempt to write aphorisms, but he that is sound and grounded. Secondly, methods are more fit to win consent or belief, but less fit to point to action; for they carry a kind of demonstration in orb or circle, one part illuminating another, and therefore satisfactory. But particulars being dispersed do best agree with dispersed directions. And lastly, aphorisms, representing a knowledge broken, do invite man to inquire further; whereas methods, carrying the show of a total, do secure men as if they were at farthest."

The first of these aphorisms, is the fundamental principle of the inductive philosophy.

"Man, the servant and interpreter of nature, can only understand and act in proportion as he observes, or contemplates, the order of nature; more he can neither know nor do."

From neglecting observation and experiment to an incredible extent, the logic and physics of Bacon's time were in a most deplorable condition; in that condition, in short, which he has so faithfully pointed out in the former work. This aphorism has redeemed the sciences, and wrought that wondrous change in the aspect of things which he predicted.

"The rest of all the mischief in the sciences is this; that falsely magnifying and

admiring the powers of the mind, we seek not its real helps." (Aph. 9.) Men had forgotten that they were the *ministers* of nature, which far exceeds the subtlety of the sense and understanding; and he affirms that the vulgar induction was inefficient to discover works, and the vulgar logic insufficient to discover sciences.

That mode of rising directly from sense and particulars, to the most general axioms, he calls "*the anticipation of nature*," as being a rash and hasty thing; but the other mode of raising axioms from sense and particulars, by a continued and gradual ascent, till it arrives at last to the most general axioms, which was the true but untried way, he calls "*the interpretation of nature*." In order to avoid the former, and employ the latter, a restoration was to be begun from the very foundation: and leaving the ancients in possession of their honours, he points out a new path, and prepares the mind for the reception of the method which he proposed: "the leading men to particulars, their sense and order; and they were to prevail upon themselves to forsake their *notions* for a time, and begin their acquaintance with things."

"Our method has some resemblance with that of the sceptics at the entrance, but differs widely from it, and becomes opposite to it, in the end. They simply assert that nothing is knowable, and we say, that much cannot be known of nature in the common way; but then they destroy the authority of the sense and understanding, whereas we supply them both with helps." (Aph. 37.)

No part of Bacon's works is more valuable than his exact and sagacious exposition of the general, or rather natural, sources of error. He calls these prejudices by the expressive name of idols, the false objects of false worship, vain, delusive, and dangerous. These idols he divides into four kinds—idols of the tribe, idols of the den, idols of the market, idols of the theatre; and so comprehensive is this classification, that the enumeration will be found to include the principal causes which obstruct the discovery or reception of natural or moral truth in all cases. They almost constitute the Pantheon into which the soul of man has been degraded; and our author may claim the honour of being the first to restore and purify the living temple. They are discussed in 24 aphorisms, and before particularizing the several kinds, the reader is informed in the 40th, that the proper remedy for removing and driving out the idols, is the raising of notions and axioms by legitimate induction. Yet he was of opinion that the indication of them was the more necessary, as they would again rise up and grow troublesome after the reformation of science.

1. The *idols of the tribe* are common to the whole race of mankind, and have their foundation in human nature: "For it is a false assertion that the human sense is the measure of things; since all perceptions, both of sense and mind, are with relation to man, and not with relation to the universe. But the human understanding is like an unequal mirror to the rays of things; which combining its own figure with the figures of the objects it represents, distorts and perverts them."

2. The *idols of the den or cave* are identified with the peculiar character of the individual: "The idols of every man in particular; for besides the general waywardness of human nature, we every one of us have our own peculiar den or cavern, which refracts or breaks the light of nature; either because every man has his respective temper, education, acquaintance, course of reading, and authorities he most respects; or because of the differences of impressions, as they may be made on a mind that is preoccupied and prepossessed, or on one that is calm and unbiassed; so that the human spirit according to its disposition in individuals, is a thing fluctuating, disorderly, and almost accidental. Whence Heraclitus well observes, that men seek the sciences in their lesser worlds, and not in the great and common one." He speaks in another place of this kind of idol as every man's particular demon, or seducing familiar; and again, compares every man's mind to a glass, with its surface differently cut, so as differently to receive, and reflect, and refract the rays of light that fall upon it.

3. *Idols of the forum* have their rise from the compact, or association of mankind; which depends upon language. "For men associate by discourse; but words are imposed according to the capacity of the vulgar: whence a false and improper imposition of words strangely possesses the understanding. Nor do the definitions and explanations, wherewith men of learning, in some cases, preserve and vindicate themselves, any way repair the injury; for words absolutely force the understanding, put all things in confusion, and lead men away to idle controversies and subtleties without number."

4. The *idols of the theatre* are the deceptions, perversions, and prejudices, which take their rise from the different tenets of philosophers, and the perverted laws of demonstration. And these are so denominated, "because all the philosophies that have been hitherto invented or received, are but as so many stage-plays, written or acted; as having shown nothing but fictitious and theatrical worlds. Nor is this said only of the ancient or present sects and philosophies; for numberless other fables, of the like kind, may be still invented and dressed up, since quite different errors will proceed from almost the same common causes."

We have no space for observation on the author's profound comments on these various prejudices; he is a complete iconoclast; and if the reader would wish to see all these divisions more fully illustrated, we must refer him to Professor Playfair's Preliminary Dissertation.

"All these idols," says Bacon, "are solemnly and for ever to be renounced, and the understanding must be thoroughly cleared and purged of them; for the kingdom of man, which is founded in the sciences, cannot be entered otherwise than the kingdom of God; that is, in the condition of a little child." In order that the understanding may be the more disposed to cleanse itself, and put away its idols, he thinks proper to diverge into some particular confutation of false systems of philosophy. He notices, (1.) The sects and sorts of these theories, which he divides into three general kinds, *sophistical, empirical,* and *superstitious.* (2.) The false colours thereof, or the signs or characteristics of false systems; whether taken from their origins, their fruits, their progress, the confessions of their own authors, or from consent. (3.) The causes of so great an infelicity, or of errors in philosophies; and, (4.) The causes of so lasting and general a consent in error; which bring us to the ninety-third aphorism; where he proposes to "inquire into the *grounds* of hope," for the further advancement of philosophy and the sciences; and there follows a chain of arguments, for establishing a solid foundation of hope for the success of genuine philosophy in future. He has thus endeavoured to remove despair, (which is the principal cause of the slow progress of the sciences,) and finishes what he had to offer concerning the signs and causes of error. He enumerates the three kinds of confutations, by which he hoped to pull down the old structure: viz. 1. the confutation of the natural reason, when left to itself; 2. the confutation of the manner of demonstrations; 3. the confutation of the received theories, or prevailing philosophies and doctrines. "It would, therefore," (he says, in Aphorism 115,) "be time to proceed to our rule and art of interpreting nature, did not something lie in the way, that requires to be removed. For we proposed by an introductory set of aphorisms to prepare the mind, to receive what is to follow; and having now levelled and polished the mirror, it remains that we set it in a right position, or, as it were, with a benevolent aspect to the things we shall further propose. For in every new undertaking, not only the being strongly prepossessed with an inveterate opinion, but also a false notion or expectation of what is to follow, proves sufficient to give a prejudice. We must, therefore, next endeavour to establish a just and true opinion of the thing we intend, though this opinion be only temporary, and of use but till the thing itself is well understood."

The remainder therefore, of this first part, (from Aphorism 116 to 130,) is occupied with the idea of the new method of interpreting nature, as the final preparation to the inductive

method itself. He does not inform us positively of the method, but rather discovers what it is not, in order to prevent erroneous expectations.

After "postulating it of mankind" that they would not imagine he had any design to form a sect in philosophy, and declaring himself to be utterly unsolicitous "about such useless things as depend upon opinion," he says he would not be wanting in his assistance to the first beginning of great things. He laid down no one entire and general theory, nor had any hopes of living to finish his whole work, but he was determined to tender and to render this "assistance." As he was no "founder of a sect," so was he no promiser of particular works. He ingenuously admitted the imperfection of his natural history, whether "procured from books, or his own inquiry:" but while he left the hasty experimentalist to collect many particulars from his tables, and apply them to works, he endeavoured after greater things, and would wait with patience for the harvest. The 118th Aphorism is a remarkable one, as it is a confession of the probable want of verification in his history and tables, and at the same time a defence of them, which has been a good deal overlooked. "But this is nothing,"—and "let no one be concerned, if our history has its errors." He was also aware that there would occur many things in them, that appeared at first sight, (1.) trifling and vulgar; (2.) sordid and ignoble; and (3.) subtile, which might alienate the minds of men from considering them: and he soon disposes of these probable contempts. Then follows a fine defence of his rejection of all former sciences and authors at a stroke. It would not have been difficult for him to attribute what he produced, "either to the early ages, (when, perhaps, the knowledge of nature flourished more, though with less pomp, than after it came into the flutes and trumpets of the Greeks,) or even in certain particulars, to some of the Greeks themselves; and thence derive authority and honour to his inventions." But relying wholly upon the evidence of things, he rejected all stratagem and imposture; and judged it of no greater moment to the business in hand, whether what was then discovered was known to the ancients, and, by the vicissitude of things and ages, is made to set and rise; than to be solicitous whether America is the island Atlantis, or were first discovered by Columbus; for the discovery is to be derived from the light of nature, and not from the darkness of antiquity. He shows that his procedure of striking out all authorities at once was more rational than a bit-by-bit rejection: as the errors have been fundamental; and therefore "it is no wonder if they have not obtained what they never had in view; nor arrived at the end they never proposed; nor finished the course which they neither entered nor held:" and he thought that the method being perfected, great things would be open to all, and almost to all alike.

Then as to his not having himself proposed the true and best end and scope of the sciences,—the contemplation of truth being of greater dignity and sublimity than all utility and greatness of works, whilst the long dwelling in experience and particulars, which he recommended, fixed the mind to earth, or rather sunk it into an abyss of hopeless confusion, while it kept it from soaring in the diviner state of abstract wisdom and tranquillity. This was just the sort of argument for our author to deal with, and he allows its force. But he "would place a true model of the world in the human understanding, such as the world is found to be, and not such as any one's reason might make it"—he would have no mock models, no idols of man, for the ideas of the divine mind; no arbitrary abstractions, but the true signatures of the Creator upon the creatures, as impressed upon matter, and limited by true and exact lines. Therefore truth and utility are identified—they are the very things required—all other improvements follow the improvement of the mind; and, therefore, the works recommended should be more esteemed as they are pledges of truth, than as they are of use in life.

He then candidly states another palpable objection to his system, which is even still urged by those who are anxious to refute what no one has asserted on behalf of our author,

that he was the first to practise the inductive method. In Aphorism 125, he thus states the objection: "That we are only doing what has been done before, that the ancients proceeded in the same way that we do, and therefore that we shall probably, after all this struggling and striving, but at length come to some one or other of those philosophies which prevailed among the ancients; for that they in the beginnings of their contemplations, procured a large stock of examples and particulars, digested them into registers, common-place books, and titles, and thence composed their philosophies and their arts; thus pronouncing upon full discovery; that they added examples occasionally, by way of confirmation, and as a help to instruction, but thought it needless and burthensome to publish their notes, memoirs, and common-place books of particulars; herein following the example of builders, who, after they have erected an edifice, take down the ladders and scaffolding, and remove them out of sight." And how could the ancients have proceeded otherwise? They had a form of inquiry and discovery, but it was no other than flying from certain particular examples, with the assistance of common notions, to the most general conclusions and principles of the sciences, thence deducing inferior conclusions; and if new particulars and examples arose, or were produced to oppose their established doctrine, they either made them square by subtle distinctions, or accommodated explanations to their own rules; or else in a gross manner, struck them out by exceptions; and at the same time wresting and fitting the more tractable particulars to their own principles.

Again, as he disallowed a liberty of pronouncing at once, and insisted upon the most strictly regulated method of coming from intermediate particulars to universal conclusions, it might be objected that he patronized such a suspension of the judgment, as would bring all to a state of scepticism. He thus replies to this objection, which was no figment, but one he had doubtless often heard: "The truth is, we intend and propose the art of doubting properly; for we do not detract from, but administer to, the sense; and do not despise, but regulate, the understanding. And it is better to know so much as is necessary, and yet not think ourselves to know all, than to think that we know all, and yet remain ignorant of that which is necessary." From the 127th Aphorism, it is plain that he intended his method to be one of universal applicability: "Our new logic, which proceeds by induction, comprehends every thing." He designed to draw up tables of induction for mental, moral, and political, as well as natural philosophies.

The grounds of hope having been laid, and unjust prejudices removed, he thinks he may speak of the excellency of the end in view. He places the inventors of arts before founders of empires, legislators, and deliverers of their countries. He refers to the power, efficacy, and consequences of three modern inventions, whose origin was obscure: the art of printing, gunpowder, and the compass; which have given the world a new face, (1.) with regard to learning, (2.) with regard to war, (3.) with regard to navigation. A man's desire to aggrandize himself, or his country, is a mere degenerate ambition, compared with his (if it deserve so bad a name as ambition) who strives to restore and enlarge the power and empire of mankind over the universe of things; which is, without dispute, more solid and majestic. Resolving all into the contemplation of things as they are in themselves, which he esteemed to be of greater dignity than even the immediate benefits of invention that might flow from it, and calling in the directing aid of rectified reason and sound religion, he proposes to consider the art itself of interpreting nature, and, in the next book, predicts that the art of invention will improve and grow up with inventions themselves.

The second book of the *Novum Organum* is considerably larger than the first, and consists of fifty-two aphorisms, for the "interpretation of nature," with the digested matter of particulars, designed for the work of the understanding, in a few determinate subjects, by way of example or palpable model. We are now in the house of the interpreter himself; and as he depicted the character of a true interpreter in such lively colours, it remains to

be seen whether he approaches to it. The interpreter duly qualified—the interpreter such as he has boldly sketched—was to proceed in this manner: "He must first consider the state of mankind; next remove the obstacles in the way of interpretation; and then, coming directly to the work, prepare a history and regular sets of tables of invention; show the uses thereof, their relations, dependencies, and subserviency to each other. He must represent how little real and serviceable knowledge mankind is possessed of; and how all just inquiry into nature has been neglected. He must use choice and judgment in singling out and giving the first place to such subjects of inquiry as are most fundamental or important; that is, such as have a tendency to the discovery of other things, or else to supply the necessities of life. He must likewise observe the pre-eminency of instances; which is a thing that greatly conduces to shorten the work. And when thus provided, he must again renew his inquiries, draw out fresh tables, and now with a greater ripeness of knowledge, more successfully enter upon and perfect the business of interpretation; which will thus become easy. And when he has done this, he will directly see and enumerate, in a pure and native light, the true, eternal, and most simple motions of nature; from the regular and exact progress whereof proceeds the infinite variety of the universe: and afterwards, being wholly intent upon the discovery of human uses, and the state of things then present, he will regulate and dispose all in a different manner for practice; assigning to the most secret and hidden natures, others that are explanatory thereof, and such as are superinducing to those that are the most absent."

The first ten aphorisms relate to "the discovery of forms, or causes, in nature." The tenth divides the indications for the interpretation of nature into two general parts: the first relating to the raising of axioms from experience, and the second to the deriving of new experiments from axioms. The last part was never proceeded with, or published: the former he divided into three kinds of administrations or helps; viz. the helps, (1.) for the sense; (2.) for the memory; and (3.) for the reason. The first object, therefore, was to procure "a just and adequate natural and experimental history, as the foundation of the whole thing;" which history must be "digested and ranged in proper order," in tables and subservient chains of instances, "that the understanding may commodiously work upon them; and the understanding must not enter upon the task of raising axioms by itself, but be first regulated, strengthened, and guarded by means of a genuine and real induction, as a key of interpretation. The inquiry of forms was to proceed in this manner: "First, all the known instances agreeing in the same nature, though in the most dissimilar subjects, are to be brought together, and placed before the understanding; and this collection is to be made historically, without any over-hasty indulgence of speculation, or any great subtlety for the present." He then illustrates his method of discovering forms by an inquiry into the form of heat.

In Table 1, he collects "*Instantiæ convenientes in natura calidi,*" or, Instances agreeing in the nature of heat; which are a collection of particulars wherein heat is found, so that they agree in having the nature of heat common to them all.

In Table 2, he collects "*Instantiæ in proximo quæ privantur natura calidi,*" or, Instances of approximation yet wanting the nature of heat.

Table 3 forms a table of "Degrees of Heat."

These three tables were intended to present a view of instances to the understanding, for the practice of induction; and its first work was, (according to Aph. 15, 16,) "to throw out or exclude such particular natures as are not found in any instance where the given nature is present, or such as are found in any instance where that nature is absent; and again, such as are found to increase in any instance when the given nature decreases, or to decrease when that nature decreases. And then after this rejection and exclusion is duly made, the affirm- solid, true, and well-defined form, will remain as the result of the operation." And as

this is easily expressed in words, but the thing itself cannot be come at without numerous turnings and windings, he next proposes an example of the exclusion or rejection, in Table 4, of those natures which are found not to be of the form of heat

The business of exclusion is not perfected till it terminates in the affirmative; or when the rejections have left but a few common principles, one of these is to be affirmed, if it account for the phenomena. He thought it would be useful, notwithstanding the imperfection of his tables, to allow the understanding, after weighing them well, to attempt the business of interpreting nature in the affirmative, on the strength of these and such others that may be procured. The attempt he calls, *permissionem intellectus*, sive *interpretationem inchoatam*, sive *vindemiationem primam;* a permission to the understanding, inchoate interpretation, or the first vintage of inquiry: and, accordingly, in Table 5, we have the *vindemiatio prima de forma calidi;* the first vintage, or dawn of inquiry, concerning the form of heat.

The author having thus laid down tables that furnish the examples of the method of rejection or exclusion, as well as a specimen of the fruits, he proceeds to deliver the doctrine of instances, or the investigation of forms by prerogative instances, a doctrine of the first importance. The last sentence of Aph. 21, shows that the remaining parts of the *Novum Organum* were to have been comprised under nine general heads, and the author only lived to prosecute the first. "We, therefore, propose to treat, (1.) of prerogative instances; (2.) of the helps of induction; (3.) of the rectification of induction; (4.) of the method of varying inquiries, according to the nature of the subject; (5.) of prerogative natures for inquiry, or what subjects are to be inquired into first, what second; (6.) of the limits of inquiry, or an inventory of all the natures in the universe; (7.) of reducing inquiries to practice, or making them subservient to human uses; (8.) of the preliminaries of inquiry; (9.) and, lastly, of the ascending and descending scale of axioms."

The author then enumerates *twenty-seven* PREROGATIVE INSTANCES, and enters at length into the properties of each, with illustrations and exceptions. We intended to have described them; and to have availed ourselves of the elegant commentaries of Mr. Professor Playfair; but this preliminary account has already extended too far; and we shall content ourselves with extracting the fifty-second, or concluding aphorism.

"It must be observed, that in this our new machine for the understanding, we deliver a logic, not a philosophy: but as our logic directs the understanding, and instructs it, not like the common logic, to catch and lay hold of abstracted notions, as it were by the slender twigs, or tendrils, of the mind; but really enters, and cuts through nature, and discovers the virtues and actions of bodies, together with their laws as determined in matter; so that this knowledge flows not only from the nature of the mind, but also from the nature of things, and the universe; hence it is no wonder, that in order to give examples and illustrations of our art, we every where employ physical considerations and experiments.

"We have here laid down twenty-seven prerogative instances, under the following titles: viz. 1. Instantiæ solitariæ, or solitary instances; 2. Instantiæ migrantes, or travelling instances; 3. Instantiæ ostensivæ, or glaring instances; 4. Instantiæ clandestinæ, or clandestine instances; 5. Instantiæ constitutivæ, or constituent instances; 6. Instantiæ conformes, or conformable instances; 7. Instantiæ monodicæ, or singular instances; 8. Instantiæ deviantes, or deviating instances; 9. Instantiæ limitaneæ, or frontier instances; 10. Instantiæ potestatis, or instances of power; 11. Instantiæ comitatus et hostiles, or accompanying and hostile instances; 12. Instantiæ subjunctivæ, or subjunctive instances; 13. Instantiæ fœderis, or instances of alliance; 14. Instantiæ crucis, or crucial instances; 15. Instantiæ divortii, or instances of divorce; 16. Instantiæ januæ, or instances of entrance; 17. Instantiæ citantes, or summoning instances; 18. Instantiæ viæ, or journeying instances; 19. Instantiæ supplementi, or supplemental instances; 20. Instantiæ persecantes, or lancing instances; 21. Instantiæ

virgæ, or instances of the staff; 22. Instantiæ curriculi, or instances of the course; 23 Doses naturæ, or doses of nature; 24. Instantiæ luctus, or instances of reluctance; 25. Instantiæ innuentes, or intimating instances; 26. Instantiæ polychrestæ, or sovereign instances and 27. Instantiæ magicæ, or magical instances. And in point of information they assist either the sense or the understanding: the sense as the five instances of light; and the understanding, either by hastening the exclusion of the form, as the solitary instances; or by contracting, and more nearly indicating, the affirmation of the form, as the travelling glaring, accompanying, and subjunctive instances: or by raising the understanding, and leading it to kinds, and common natures; and that either immediately, as the clandestine, and the singular instances, and instances of alliance; or in the next degree, as the constituent instances; or in the lowest degree, as the conformable instances: or again, by rectifying the understanding depraved by things whereto it is accustomed, as the deviating instances; or by conducting it to the great form or fabric of the universe, as the frontier instances; or lastly, by guarding it against false forms and causes, as the crucial instances, and instances of divorce. And as to practice, they either mark out, measure, or facilitate it. They mark it out by showing with what particulars we are to begin, to prevent labouring in vain, as the instances of power; or to what we should aspire, if it be attainable, as the intimating instances: the four mathematical ones measure and limit it; and the sovereign and magical ones facilitate it.

"And of these twenty-seven instances, a collection of some should be made at first, as was above observed, (Aph. 32,) without waiting till we come to particular inquiries; and of this kind are the conformable, the singular, the deviating, and the frontier instances; the instances of power, of entrance, intimating, sovereign, and magical instances, because these either assist and rectify the understanding or the sense, or afford instruction with regard to practice in general; and for the rest, they are to be searched out when we make tables of view for the business of the interpreter, upon any particular subject. For the instances, honoured and ennobled with these prerogatives, are like a soul among vulgar instances of view; and as we said at first, a few of them serve instead of many; and therefore when we make tables, such instances are studiously to be sought out, and set down therein. The doctrine of them was also necessary to what we design to follow; and therefore a preparatory account thereof was here requisite.

"And now we should proceed to the helps and rectification of induction, then to concretes, latent processes, concealed structures, &c. as mentioned in order, under the twenty-seven aphorisms; that at length, like faithful guardians, we might possess mankind of their fortunes, and release and free the understanding from its minority, upon which an amendment of the state and condition of mankind, and an enlargement of their power over nature, must necessarily ensue. For by the fall, man at once forfeited his innocency, and his dominion over the creatures, though both of them are in some measure recoverable, even in this life; the former by religion and faith; and the latter by arts and sciences. For the world was not made absolutely rebellious by the curse, but in virtue of that denunciation, 'In the sweat of thy brow thou shalt eat thy bread,' is at length, not by disputes, or indolent magical ceremonies, but by various labours, subdued, and brought in some degree to afford the necessaries of life."

"Such," says Playfair, "were the speculations of Bacon, and the rules he laid down for the conduct of experimental inquiry, before any such inquiries had yet been instituted. The power and compass of a mind, which could form such a plan beforehand, and trace not merely the outline, but many of the most minute ramifications of sciences which did not yet exist, must be an object of admiration to all succeeding ages."

The *Third Part* of the Instauration has been compounded for out of different tracts; of which the *Parasceve* (or *Saturday Evening) of a natural and experimental History*—a

catalogue of particular histories—the *A B C, Teacher of Nature*—and a *Preface* to a *Natural History*—are merely introductory arguments, for attempting and obtaining a surer natural and experimental philosophy. Then follow the *titles* of six *particular* monthly *histories*,—the history of the *Winds*, the history of *Rarity and Density*, the history of *Gravity and Levity*, the history of the *Sympathies and Antipathies of things*, the history of *Sulphur, Mercury, and Salt*, and the history of *Life and Death*: three of these, the first, second, and last, have been preserved; but the *aditus* only of the other three are extant. This part is completed so far as the diligence of editors has extended, with some *Questions concerning Metals*, and some *Thoughts on the Nature of Things*. In the midst of much that looks like "wood, hay, and stubble," to a modern reader, there will be found "gold, and silver, and precious stones," of the greatest value; an aphorism that will stand the severest test, or an axiom that might shine, like a diamond, on the brow of Philosophy herself.

Of the *Fourth* and *Fifth Parts* of the Instauration, we have only two brief and general intimations—the mere *aditus* of the intended treatises.

The *Opuscula Philosophica*, or lesser pieces, would be sufficient of themselves to make good his claims as a philosopher. They either helped to prepare the way for his greater works, of which some of them were the germs, and afterwards formed portions; or they were the mere overflows of an active and exhaustless mind. We shall briefly notice two of them, *The Wisdom of the Ancients*, and the *New Atlantis*.

The former of these writings, which appeared soon after the *Advancement of Learning*, is an attempt to deliver the supposed philosophy of the ancient fables, and was of course especially intended to propitiate the lovers of antiquity towards his meditated innovations. From the title we might be led to expect an account of the various systems of philosophy which prevailed amongst them; but the sole object is to interpret the meaning, and extract the hidden wisdom, of those fables, which have been transmitted to our time along with the ancient mythology. It is a serious attempt to indicate the useful, and reproduce the beautiful, from the apparently incongruous fictions of past ages; not "to write toys and trifles, and to assume the same liberty in applying, that the poets assumed in feigning." In his selection of these fables, the author has manifested his usual judgment. We find none of a strictly historical nature: they are all capable of a natural, moral, or political interpretation. The historical myths have given no small trouble to the student of antiquity. In some instances, as in the case of Livy, the predominant inspiration of whose narrative is the old Roman poems, all reasonable expectation is exceeded, if a Niebuhr can even separate, much more if he can extract, the fact from the fable; and it is perhaps the wiser plan in matters of so much uncertainty as ancient traditionary history, not to attempt the separation. Bacon has, therefore, wisely deserted this region of the fabulous domain, for one which promises to yield more important fruit. While it is evident, on the slightest examination, that these ancient fictions involve some important truths: "seeing some of them are observed to be so absurd and foolish in the very relation, that they show, and as it were proclaim, a parable afar off,"—it is at the same time an extremely difficult matter to ascertain the precise moral at which they point. But, as might have been conjectured, the most ancient are the least obscure; and accordingly, in selecting his specimens of the more lucid fable, Bacon has travelled beyond the more civilized period of Grecian history, beyond the time even of Homer and Hesiod, by whom "many of these fables, though selected and celebrated," seem not to have been invented to the "better times" of a yet earlier state of society. Referring to the fables which he has endeavoured to interpret, he says, "seeing they are diversely related by writers that lived near about one and the self-same time, we may easily perceive that they were common things derived from precedent memorials, that they became various by reason of the diverse ornaments bestowed on them by particular relations; and the consideration of this must need increase in us a great opinion of them,

as not to be accounted either the effects of the times or inventions of poets, but as sacred relics or abstracted airs of better times, which by tradition from more ancient nations fell into the trumpets and flutes of the Grecians." Such is the kind of fables which Bacon deals with, with higher wisdom as an interpreter, than the ancients discovered as inventors. It so happens that the longest are the best; and we may refer the reader to the last section in the *De Augmentis* on Poetry, for "the learning" concerning them.

The *New Atlantis*, which was not published until after the author's death, is the fragment of a philosophical romance, in which he intended to exhibit the model of an institution for the discovery of works, or a college and commonwealth for the interpretation of nature with a view to the arts of life. There is a *Robinson Crusoe* reality about it. The fiction possesses all the earnestness of a bonâ fide report from some newly-found country, where reason is the ruler, and man is becoming paramount. The author evidently availed himself of the spirit of enterprise that had been so recently excited and gratified, to direct its ardours and its energies into the strange land of probable wonders; and he who was but a prophet speaks like a missionary. This fragment was written in the maturity of his genius; and the fancy of so illustrating his own method shows the depth of his confidence in it, and the height of his expectations from it. We shall not deal so presumptuously with the reader, as to hint at the marvels so gravely described in this beginning of an account of *Novus Orbis*.

These are the *Opera Philosophica*, which have won such lasting fame for their author, and exerted so powerful an influence on the world. The era of experimental investigation commences with them; and the principles, if not the manual directories, of his method, have been acted upon ever since. It does not derogate from his "titles manifold" to the respect and gratitude of his species, that he was no discoverer himself—that he explained no phenomena, and unfolded no physical law: he did neither; but he was, nevertheless, the master-spirit of those who did. He discovered the law of discovery, and was the first to interpret, after the most comprehensive survey of all existing knowledges, and the most profound inquiry into the condition of all mental achievements, the universal law of interpretation. He delivered the abstract precepts which "shut men up," as it were, to that philosophy of philosophies, of which he was the ablest and the first expounder, and of which the great discoverers are but the verifiers.

We should more than exhaust the space allotted to a preface, were we to quote a tithe of the eulogies which have been lavished upon our author on account of these philosophical writings. The encomia of mere single sentences would fill a volume. But while we omit the innumerable extravaganzas, whether of home or foreign manufacture, which have been uttered in ancient or modern tongues, on this prolific theme; we may be allowed to select two poetical compliments which we have seldom seen quoted, and never in juxta-position, the one by his friend Herbert, on receiving the Great Instauration; and the other by Thomson in his celebrated apostrophe to England—each of which is highly characteristic of the period of its composition.

"Quis iste tandem? non enim vultu ambulat
Quotidiano. Nescis Ignare? audies,
Duæ Notionum; veritatis Pontifex;
Inductionis Dominus, et Verulamii;
Rerum Magister unicus, at non Artium:
Profunditatis Pinus; atque Elegantiæ:
Naturæ Aruspex intimus: Philosophiæ
Ærarium. Sequester Experientiæ,
Speculationis que: Æquitatis Signifer:
Scientiarum sub pupillari statu

Degentium olim Emancipator: luminis
Promus: Fugator Idolium, atque Nubium:
Collega Solis: Quadra Certitudinis:
Sophismatum Mastix: Brutus Literarius,
Authoritatis exuens Tyrannidem:
Rationis et Census stupendus Arbiter;
Repumicator Mentis: Atlas Physicus,
Alcide succumbente Stagiritico:
Columba Noæ quæ in vetustis Artibus
Nullum locum, requiemve Cernens, præstitit
Ad se suamque Matris Arcam regredi.
Subtilitatis terebra; Temporis nepos
Ex veritate matre; Mellis Alveus:
Mundique et Animarum, sacerdos unicus:
Securis Errorum: inque Natalibus
Granum Sinapis, acre aliis, Crescens sibi
O me prope Lassum; Juvate Posteri."

Now for the more modern compliment.

"Thine is a Bacon, hapless in his choice,
Unfit to stand the civil storm of fate,
And through the smooth barbarity of courts
With firm but pliant virtue forward still
To urge his course: him for the studious shade
Kind nature formed, deep, comprehensive, clear,
Exact, and elegant; in one rich soul
Plato, the Stagyrite, and Tully joined.
The great deliverer he, who from the gloom
Of cloistered monks, and jargon-teaching schools,
Led forth the true philosophy, there long
Held in the magic chain of words and forms
And definitions void: he led her forth
Daughter of heaven! that slow-ascending still,
Investigating sure the chain of things,
With radiant finger points to heaven again."

We have now reviewed, in the most slight and cursory manner, the principal writings of Francis Bacon,—the Moralist, the Politician, the Lawyer, the Orator, the Historian, the Theologian, the Poet, and the Philosopher. In the course of our very brief examination, he has come before us in each of these high characters; distinguished in all, pre-eminent, if not peerless, in the last. All were combined to an unparalleled extent in this single individual; but all were subordinate to the Philosophical character, into which the rest may be resolved. Each of them must, of course, be taken into account in any estimate of such a genius; and after contemplating separately so great a variety and diversity of parts, our admiration is turned into absolute wonder, when we see them forming one harmonious whole. The imperial genius of philosophy is over all; and each in its turn, kindling under the lustre that radiates from this common centre, receives but to reflect back its splendours.

Bacon must doubtless be considered as one of the most extraordinary men which the world has seen. There is scarcely a department of knowledge which he has not visited and improved. There is scarcely a book of solid merit published, in which his name does not occur, and in which his authority is not referred to. Whatever may be the subject, and wherever the literary or scientific labourer may be employed, there comes a light from this author, of illustration and guidance: and yet he was a man of practical pursuits, wending his way through this every-day world, as busy as the

busiest with all its cares, and as anxious as the most anxious to discharge the functions its journeyman. His engagements appear to have been those which demanded an alm undivided attention; and yet while engaged in the most practical of pursuits, he was d tinguished beyond all comparison in those which are strictly theoretical. Belonging t profession the most noble and arduous—in which, from the multiplicity of the subjects whi it embraces, and the responsibility of dealing with the emergent cases of daily occurren there is necessitated a vision at once contracted and intense; and engaging largely in t politics of the day, which require of their votary as absolute a devotion,—in both of whi he had to compete with the first men of his time—with the vast knowledge and s tlety of Coke, with those wily panderers to prerogative and popularity the Cecils, with t crafty and sullen Somerset, with the rapacious and unconscienced Buckingham,—for subor nates; and with the mistress of modern Europe and her wayward successor,—for princip and in those assemblies of his fellow-citizens in both Houses of Parliament, which h tried and tasked the highest powers, without a rival in oratorical and senatorial abiliti —he yet commanded the leisure that is requisite for pursuits of the highest and most be ficial nature, in which he has earned his immortal repute—succeeding beyond all conte porary success in the former avocations, and working out for himself an endless re tation in the latter. The intellect of Bacon was such as to make way through obstacles to its destiny. It made for itself a solitude in the midst of society, and cre for itself a retirement in the very midst of the most bustling, pressing, and exciting cro of engagements. His delights, in common with those of all the true benefactors of t species, have been realized in the midst of them; and he sighs not for the sounding s shore, or the up-country waterfall, which almost drive man into himself; or the sequeste valley, or the solemn woods, whose stillness leads to reflection, and is therefore, with t most of those that fly to them, a mere place of resort for physical activity; but t habitable portions of the earth, and the children of men, are ever the spheres and the obje of all these delights—thinking in the midst of distraction, accumulating in the midst of p vations, and gathering every where the materials of profit and action. This is that men absorption, which takes in all, and makes uses of all; to which every thing is aliment, by v tue of a vigour that tires not, a charity that fails not, a humility for which nothing is too l and a comprehension for which, humanly speaking, nothing is too high or too minute.

It would comparatively be an easy task, to discriminate between the various powers this wonderful intellect,—to ascribe to him a reason of the most comprehensive grasp, ex cising itself upon multifarious subjects, or an imagination keeping pace with that reas and as wonderful in all its creations as the reason was wonderful in the premises up which it dealt; but we must leave these things to the reader, to whom we have be catering throughout our prologue. Bacon was enabled to feel that he lived in a gr juncture of affairs, requiring the union of high genius and wisdom answerably to deal wi and he foresaw it, felt it, and turned it to the best account. He devoted himself to t exigencies not only of his time, but of his race. He was, as we have seen, busy with t one; but the fact of his opinions being valuable now-a-days, shows that he was devoted the other; and that it was not merely for the times in which he lived that he was livi but for succeeding times as well. He was literally, that man, with whom all men sho be acquainted; both by way of encouragement and instruction—by way of failure a example. To act for the moment, and yet act for posterity; to act for a party, and yet for a people; to be the glory of a faction and also of a nation; to act for a kingdom a minister, and yet for the human race as their servitor; to be bold before the intellect of all p times, and weak before minions; to serve princes, to discuss with judges, to attend assembli and to control legislative gatherings,—and yet to electrify and revivify science; to be Herc abroad, and to fall before the most trumpery vanity in his own breast;—was FRANCIS BAC

PHILOSOPHICAL WORKS.

THE TWO BOOKS OF

FRANCIS BACON,

OF THE

PROFICIENCE AND ADVANCEMENT OF LEARNING,

DIVINE AND HUMAN.

THE FIRST BOOK.

TO THE KING.

There were, under the law, excellent king, both daily sacrifices, and freewill offerings; the one proceeding upon ordinary observance, the other upon a devout cheerfulness: in like manner there belongeth to kings from their servants, both tribute of duty, and presents of affection. In the former of these, I hope I shall not live to be wanting, according to my most humble duty, and the good pleasure of your majesty's employments: for the latter, I thought it more respective to make choice of some oblation, which might rather refer to the propriety and excellency of your individual person, than to the business of your crown and state.

Wherefore, representing your majesty many times unto my mind, and beholding you not with the inquisitive eye of presumption, to discover that which the Scripture telleth me is inscrutable, but with the observant eye of duty and admiration; leaving aside the other parts of your virtue and fortune, I have been touched, yea, and possessed with an extreme wonder at those your virtues and faculties, which the philosophers call intellectual; the largeness of your capacity, the faithfulness of your memory, the swiftness of your apprehension, the penetration of your judgment, and the facility and order of your elocution: and I have often thought, that of all the persons living, that I have known, your majesty were the best instance to make a man of Plato's opinion, that all knowledge is but remembrance, and that the mind of man by nature knoweth all things, and hath but her own native and original notions (which by the strangeness and darkness of this tabernacle of the body are sequestered) again revived and restored: such a light of nature I have observed in your majesty, and such a readiness to take flame and blaze from the least occasion presented, or the least spark of another's knowledge delivered. And as the Scripture saith of the wisest king, "That his heart was as the sands of the sea;" which though it be one of the largest bodies, yet it consisteth of the smallest and finest portions; so hath God given your majesty a composition of understanding admirable, being able to compass and comprehend the greatest matters, and nevertheless to touch and apprehend the least; whereas it should seem an impossibility in nature, for the same instrument to make itself fit for great and small works. And for your gift of speech, I call to mind what Cornelius Tacitus saith of Augustus Cæsar: "Augusto profluens, et quæ principem deceret, eloquentia fuit." For, if we note it well, speech that is uttered with labour and difficulty, or speech that savoureth of the affectation of art and precepts, or speech that is framed after the imitation of some pattern of eloquence, though never so excellent; all this has somewhat servile, and holding of the subject. But your majesty's manner of speech is indeed prince-like, flowing as from a fountain, and yet streaming and branching itself into nature's order, full of facility and felicity, imitating none, and inimitable by any. And as in your civil estate there appeareth to be an emulation and contention of your majesty's virtue with your fortune; a virtuous disposition with a fortunate regiment; a virtuous expectation, when time

was, of your greater fortune, with a prosperous possession thereof in the due time; a virtuous observation of the laws of marriage, with most blessed and happy fruit of marriage; a virtuous and most christian desire of peace, with a fortunate inclination in your neighbour princes thereunto: so likewise in these intellectual matters, there seemeth to be no less contention between the excellency of your majesty's gifts of nature, and the universality and perfection of your learning. For I am well assured, that this which I shall say is no amplification at all, but a positive and measured truth; which is, that there hath not been since Christ's time any king, or temporal monarch, which hath been so learned in all literature and erudition, divine and human. For let a man seriously and diligently revolve and peruse the succession of the emperors of Rome; of which Cæsar the dictator, who lived some years before Christ, and Marcus Antoninus, were the best learned: and so descend to the emperors of Græcia, or of the West; and then to the lines of France, Spain, England, Scotland, and the rest, and he shall find this judgment is truly made. For it seemeth much in a king, if, by the compendious extractions of other men's wits and labours, he can take hold of any superficial ornaments and shows of learning, or if he countenance and prefer learning and learned men; but to drink indeed of the true fountains of learning, nay, to have such a fountain of learning in himself, in a king, and in a king born, is almost a miracle. And the more, because there is met in your majesty a rare conjunction, as well of divine and sacred literature, as of profane and human; so as your majesty standeth invested of that triplicity, which in great veneration was ascribed to the ancient Hermes; the power and fortune of a king, the knowledge and illumination of a priest, and the learning and universality of a philosopher. This propriety, inherent and individual attribute in your majesty, deserveth to be expressed, not only in the fame and admiration of the present time, nor in the history or tradition of the ages succeeding; but also in some solid work, fixed memorial, and immortal monument, bearing a character or signature, both of the power of a king, and the difference and perfection of such a king.

Therefore I did conclude with myself, that I could not make unto your majesty a better oblation, than of some treatise tending to that end, whereof the sum will consist of these two parts; the former concerning the excellency of learning and knowledge, and the excellency of the merit and true glory in the augmentation and propagation thereof; the latter, what the particular acts and works are, which have been embraced and undertaken for the advancement of learning; and again, what defects and undervalues I find in such particular acts: to the end, that though I cannot positively or affirmatively advise your majesty, or propound unto you framed particulars; yet I may excite your princely cogitations to visit the excellent treasure of your own mind, and thence to extract particulars for this purpose, agreeable to your magnanimity and wisdom.

In the entrance to the former of these, to clear the way, and, as it were, to make silence, to have the true testimonies concerning the dignity of learning to be better heard, without the interruption of tacit objections; I think good to deliver it from the discredits and disgraces which it hath received, all from ignorance, but ignorance severally disguised; appearing sometimes in the zeal and jealousy of divines, sometimes in the severity and arrogancy of politicians, and sometimes in the errors and imperfections of learned men themselves.

I hear the former sort say, that knowledge is of those things which are to be accepted of with great limitation and caution; that the aspiring to overmuch knowledge, was the original temptation and sin, whereupon ensued the fall of man; that knowledge hath in it somewhat of the serpent, and therefore where it entereth into a man it makes him swell; Scientia inflat: that Solomon gives a censure, "That there is no end of making books, and that much reading is a weariness of the flesh;" and again in another place, "That in spacious knowledge there is much contristation, and that he that increaseth knowledge increaseth anxiety;" that St. Paul gives a caveat, "That we be not spoiled through vain philosophy;" that experience demonstrates how learned men have been arch-heretics, how learned times have been inclined to atheism, and how the contemplation of second causes doth derogate from our dependence upon God, who is the first cause.

To discover then the ignorance and error of this opinion, and the misunderstanding in the grounds thereof, it may well appear these men do not observe or consider, that it was not the pure knowledge of nature and universality, a knowledge by the light whereof man did give names unto other creatures in paradise, as they were brought before him, according unto their proprieties, which gave the occasion to the fall; but it was the proud knowledge of good and evil, with an intent in man to give law unto himself, and to depend no more upon God's commandments, which was the form of the temptation. Neither is it any quantity of knowledge, how great soever, that can make the mind of man to swell: for nothing can fill, much less extend the soul of man, but God, and the contemplation of God; and therefore Solomon, speaking of the two principal senses of inquisition, the eye and the ear, affirmeth that the eye is never satisfied with seeing, nor the ear with hearing; and if there be no fulness, then is the continent greater than the content; so of knowledge itself, and the mind of man, whereto the senses are but reporters, he defineth likewise in these words, placed after that calendar or ephemerides, which he maketh of the diversities of times and seasons for all actions and purposes; and concludeth thus: "God hath made all things beautiful, or decent, in the true return of their seasons: Also he hath placed the world in man's heart, yet cannot man find out the work which God worketh from the beginning to the end:" declaring, not obscurely, that God hath framed the mind of man as a mirror, or glass, capable of the image of the uni-

versal world, and joyful to receive the impression thereof, as the eye joyeth to receive light; and not only delighted in beholding the variety of things, and vicissitude of times, but raised also to find out and discern the ordinances and decrees, which throughout all those changes are infallibly observed. And although he doth insinuate, that the supreme or summary law of nature, which he calleth, "The work which God worketh from the beginning to the end, is not possible to be found out by man;" yet that doth not derogate from the capacity of the mind, but may be referred to the impediments, as of shortness of life, ill conjunction of labours, ill tradition of knowledge over from hand to hand, and many other inconveniences, whereunto the condition of man is subject. For that nothing parcel of the world is denied to man's inquiry and invention, he doth in another place rule over, when he saith, "The spirit of man is as the lamp of God, wherewith he searcheth the inwardness of all secrets." If then such be the capacity and receipt of the mind of man, it is manifest, that there is no danger at all in the proportion or quantity of knowledge, how large soever, lest it should make it swell or outcompass itself; no, but it is merely the quality of knowledge, which, be it in quantity more or less, if it be taken without the true corrective thereof, hath in it some nature of venom or malignity, and some effects of that venom, which is ventosity or swelling. This corrective spice, the mixture whereof maketh knowledge so sovereign, is charity, which the apostle immediately addeth to the former clause; for so he saith, "knowledge bloweth up, but charity buildeth up;" not unlike unto that which he delivereth in another place: "If I spake," saith he, "with the tongues of men and angels, and had not charity, it were but as a tinkling cymbal;" not but that it is an excellent thing to speak with the tongues of men and angels, but because, if it be severed from charity, and not referred to the good of men and mankind, it hath rather a sounding and unworthy glory, than a meriting and substantial virtue. And as for that censure of Solomon, concerning the excess of writing and reading books, and the anxiety of spirit which redoundeth from knowledge; and that admonition of St. Paul, "That we be not seduced by vain philosophy;" let those places be rightly understood, and they do indeed excellently set forth the true bounds and limitations, whereby human knowledge is confined and circumscribed; and yet without any such contracting or coarctation, but that it may comprehend all the universal nature of things: for these limitations are three: the first, that we do not so place our felicity in knowledge, as we forget our mortality. The second, that we make application of our knowledge, to give ourselves repose and contentment, and not distaste or repining. The third, that we do not presume by the contemplation of nature to attain to the mysteries of God. For as touching the first of these, Solomon doth excellently expound himself in another place of the same book, where he saith; "I saw well that knowledge recedeth as far from ignorance, as light doth from darkness: and that the wise man's eyes keep watch in his head, whereas the fool roundeth about in darkness: but withal I learned, that the same mortality involveth them both." And for the second, certain it is, there is no vexation or anxiety of mind which resulteth from knowledge, otherwise than merely by accident; for all knowledge and wonder (which is the seed of knowledge) is an impression of pleasure in itself: but when men fall to framing conclusions out of their knowledge, applying it to their particular, and ministering to themselves thereby weak fears, or vast desires, there groweth that carefulness and trouble of mind which is spoken of: for then knowledge is no more Lumen siccum, whereof Heraclitus the profound said, "Lumen siccum optima anima;" but it becometh Lumen madidum, or maceratum, being steeped and infused in the humours of the affections. And as for the third point, it deserveth to be a little stood upon, and not to be lightly passed over: for if any man shall think by view and inquiry into these sensible and material things to attain that light, whereby he may reveal unto himself the nature or will of God, then indeed is he spoiled by vain philosophy: for the contemplation of God's creatures and works produceth (having regard to the works and creatures themselves) knowledge; but having regard to God, no perfect knowledge, but wonder, which is broken knowledge. And therefore it was most aptly said by one of Plato's school, "That the sense of man carrieth a resemblance with the sun, which, as we see, openeth and revealeth all the terrestrial globe; but then again it obscureth and concealeth the stars and celestial globe: so doth the sense discover natural things, but it darkeneth and shutteth up divine." And hence it is true, that it hath proceeded, that divers great learned men have been heretical, whilst they have sought to fly up to the secrets of the Deity by the waxen wings of the senses: and as for the conceit, that too much knowledge should incline a man to atheism, and that the ignorance of second causes should make a more devout dependence upon God, who is the first cause: First, it is good to ask the question which Job asked of his friends: "Will you lie for God, as one man will do for another, to gratify him?" For certain it is, that God worketh nothing in nature but by second causes; and if they would have it otherwise believed, it is mere imposture, as it were in favour towards God; and nothing else but to offer to the Author of truth the unclean sacrifice of a lie. But farther, it is an assured truth, and a conclusion of experience, that a little or superficial knowledge of philosophy may incline the mind of man to atheism, but a farther proceeding therein doth bring the mind back again to religion; for in the entrance of philosophy, when the second causes, which are next unto the senses, do offer themselves to the mind of man, if it dwell and stay there, it may induce some oblivion of the highest cause: but when a man passeth on farther, and seeth the dependence of causes and the works of providence; then, according to the allegory of the poets, he will easily believe that the highest link of nature's chain must needs

be tied to the foot of Jupiter's chair. To conclude therefore: let no man, upon a weak conceit of sobriety, or an ill-applied moderation, think or maintain, that a man can search too far, or be too well studied in the book of God's word, or in the book of God's works; divinity or philosophy; but rather let men endeavour an endless progress, or proficience in both; only let men beware that they apply both to charity, and not to swelling; to use, and not to ostentation; and again, that they do not unwisely mingle, or confound these learnings together.

And as for the disgraces which learning receiveth from politicians, they be of this nature; that learning doth soften men's minds, and makes them more unapt for the honour and exercise of arms; that it doth mar and pervert men's dispositions for matter of government and policy, in making them too curious and irresolute by variety of reading, or too peremptory or positive by strictness of rules and axioms, or too immoderate and overweening by reason of the greatness of examples, or too incompatible and differing from the times, by reason of the dissimilitude of examples; or at least, that it doth divert men's travails from action and business, and bringeth them to a love of leisure and privateness; and that it doth bring into states a relaxation of discipline, whilst every man is more ready to argue than to obey and execute. Out of this conceit, Cato, surnamed the Censor, one of the wisest men indeed that ever lived, when Carneades the philosopher came in embassage to Rome, and that the young men of Rome began to flock about him, being allured with the sweetness and majesty of his eloquence and learning, gave counsel in open senate, that they should give him his despatch with all speed, lest he should infect and enchant the minds and affections of the youth, and at unawares bring in an alteration of the manners and customs of the state. Out of the same conceit, or humour, did Virgil, turning his pen to the advantage of his country, and the disadvantage of his own profession, make a kind of separation between policy and government, and between arts and sciences, in the verses so much renowned, attributing and challenging the one to the Romans, and leaving and yielding the other to the Grecians; "Tu regere imperio populos, Romane, memento, Hæ tibi erunt artes, etc." So likewise we see that Anytus, the accuser of Socrates, laid it as an article of charge and accusation against him, that he did, with the variety and power of his discourses and disputations, withdraw young men from due reverence to the laws and customs of their country; and that he did profess a dangerous and pernicious science, which was, to make the worse matter seem the better, and to suppress truth by force of eloquence and speech.

But these, and the like imputations, have rather a countenance of gravity, than any ground of justice: for experience doth warrant, that, both in persons and in times, there hath been a meeting and concurrence in learning and arms, flourishing and excelling in the same men, and the same ages. For, as for men, there cannot be a better, nor the like instance, as of that pair, Alexander the Great and Julius Cæsar the dictator; whereof the one was Aristotle's scholar in philosophy, and the other was Cicero's rival in eloquence: or if any man had rather call for scholars that were great generals, than generals that were great scholars, let him take Epaminondas the Theban, or Xenophon the Athenian; whereof the one was the first that abated the power of Sparta, and the other was the first that made way to the overthrow of the monarchy of Persia. And this concurrence is yet more visible in times than in persons, by how much an age is a greater object than a man. For both in Ægypt, Assyria, Persia, Græcia, and Rome, the same times that are most renowned for arms, are likewise most admired for learning; so that the greatest authors and philosophers, and the greatest captains and governors, have lived in the same ages. Neither can it otherwise be: for as, in man, the ripeness of the strength of body and mind cometh much about an age, save that the strength of the body cometh somewhat the more early; so, in states, arms, and learning, whereof the one correspondeth to the body, the other to the soul of man, have a concurrence or near sequence in times.

And for matter of policy and government, that learning should rather hurt, than enable thereunto, is a thing very improbable: we see it is accounted an error to commit a natural body to empiric physicians, which commonly have a few pleasing receipts, whereupon they are confident and adventurous, but know neither the causes of diseases, nor the complexions of patients, nor peril of accidents, nor the true method of cures: we see it is a like error to rely upon advocates or lawyers, which are only men of practice, and not grounded in their books, who are many times easily surprised, when matter falleth out besides their experience, to the prejudice of the causes they handle: so, by like reason, it cannot be but a matter of doubtful consequence, if states be managed by empiric statesmen, not well mingled with men grounded in learning. But contrariwise, it is almost without instance contradictory, that ever any government was disastrous that was in the hands of learned governors. For howsoever it hath been ordinary with politic men to extenuate and disable learned men by the names of pedants; yet in the records of time it appeareth, in many particulars, that the governments of princes in minority (notwithstanding the infinite disadvantage of that kind of state) have nevertheless excelled the government of princes of mature age, even for that reason which they seek to traduce, which is, that by that occasion the state hath been in the hands of pedants: for so was the state of Rome for the first five years, which are so much magnified, during the minority of Nero, in the hands of Seneca, a pedant: so it was again for ten years' space or more during the minority of Gordianus the younger, with great applause and contentation in the hands of Misitheus, a pedant: so was it before that, in the minority of Alexander Severus, in like happiness, in hands not much unlike, by reason of the rule of the women, who were aided by the teachers and preceptors. Nay, let a man look into the government of the bishops of Rome,

as by name, into the government of Pius Quintus, and Sextus Quintus, in our times, who were both at their entrance esteemed but as pedantical friars, and he shall find that such popes do greater things, and proceed upon truer principles of state, than those which have ascended to the papacy from an education and breeding in affairs of state and courts of princes; for although men bred in learning are perhaps to seek in points of convenience, and accommodating for the present, which the Italians call ragioni di stato, whereof the same Pius Quintus could not bear spoken with patience, terming them inventions against religion and the moral virtues; yet on the other side, to recompense that, they are perfect in those same plain grounds of religion, justice, honour, and moral virtue, which if they be well and watchfully pursued, there will be seldom use of those other, no more than of physic in a sound or well-dieted body. Neither can the experience of one man's life furnish examples and precedents for the events of one man's life: for, as it happeneth sometimes that the grandchild, or other descendant, resembleth the ancestor, more than the son; so many times occurrences of present times may sort better with ancient examples, than with those of the later or immediate times: and lastly, the wit of one man can no more countervail learning, than one man's means can hold way with a common purse.

And as for those particular seducements, or indispositions of the mind for policy and government, which learning is pretended to insinuate; if it be granted that any such thing be, it must be remembered withal, that learning ministereth in every of them greater strength of medicine or remedy, than it offereth cause of indisposition or infirmity: for if, by a secret operation, it make men perplexed and irresolute, on the other side, by plain precept, it teacheth them when, and upon what ground, to resolve; yea, and how to carry things in suspense without prejudice, till they resolve: if it make men positive and regular, it teacheth them what things are in their nature demonstrative, and what are conjectural; as well the use of distinctions and exceptions, as the latitude of principles and rules. If it mislead by disproportion, or dissimilitude of examples, it teacheth men the force of circumstances, the errors of comparisons, and all the cautions of application: so that in all these it doth rectify more effectually than it can pervert. And these medicines it conveyeth into men's minds much more forcibly by the quickness and penetration of examples. For let a man look into the errors of Clement the seventh, so livelily described by Guicciardine, who served under him, or into the errors of Cicero, painted out by his own pencil in his epistles to Atticus, and he will fly apace from being irresolute. Let him look into the errors of Phocion, and he will beware how he be obstinate or inflexible. Let him but read the fable of Ixion, and it will hold him from being vaporous or imaginative. Let him look into the errors of Cato the second, and he will never be one of the antipodes, to tread opposite to the present world.

And for the conceit, that learning should dispose men to leisure and privateness, and make men slothful; it were a strange thing if that, which accustometh the mind to a perpetual motion and agitation, should induce slothfulness; whereas contrariwise it may be truly affirmed, that no kind of men love business for itself, but those that are learned: for other persons love it for profit; as an hireling, that loves the work for the wages; or for honour, as because it beareth them up in the eyes of men, and refresheth their reputations, which otherwise would wear; or because it putteth them in mind of their fortune, and giveth them occasion to pleasure and displeasure; or because it exerciseth some faculty wherein they take pride, and so entertaineth them in good humour and pleasing conceits toward themselves; or because it advanceth any other their ends. So that, as it is said of untrue valours, that some men's valours are in the eyes of them that look on; so much men's industries are in the eyes of others, or at least in regard of their own designments: only learned men love business, as an action according to nature, as agreeable to health of mind as exercise is to health of body, taking pleasure in the action itself, and not in the purchase: so that of all men they are the most indefatigable, if it be towards any business which can hold or detain their mind.

And if any man be laborious in reading and study, and yet idle in business and action, it groweth from some weakness of body, or softness of spirit; such as Seneca speaketh of: "Quidam tam sunt umbratiles, ut putent in turbido esse, quicquid in luce est;" and not of learning: well may it be, that such a point of a man's nature may make him give himself to learning, but it is not learning that breedeth any such point in his nature.

And that learning should take up too much time or leisure: I answer; the most active or busy man, that hath been or can be, hath, no question, many vacant times of leisure, while he expecteth the tides and returns of business (except he be either tedious and of no despatch, or lightly and unworthily ambitious to meddle in things that may be better done by others): and then the question is but, how those spaces and times of leisure shall be filled and spent; whether in pleasures, or in studies; as was well answered by Demosthenes to his adversary Æschines, that was a man given to pleasure, and told him, "that his orations did smell of the lamp:" "Indeed," said Demosthenes, "there is a great difference between the things that you and I do by lamp-light." So as no man need doubt, that learning will expulse business, but rather it will keep and defend the possession of the mind against idleness and pleasure; which otherwise, at unawares, may enter to the prejudice of both.

Again, for that other conceit, that learning should undermine the reverence of laws and government, it is assuredly a mere depravation and calumny, without all shadow of truth. For to say, that a blind custom of obedience should be a surer obligation, than duty taught and understood; it is to affirm, that a blind man may tread surer by a guide, than a seeing man can by a light. And it is without all controversy, that learning doth make the minds of men

gentle, generous, maniable, and pliant to government; whereas ignorance makes them churlish, thwarting, and mutinous: and the evidence of time doth clear this assertion, considering that the most barbarous, rude, and unlearned times have been most subject to tumults, seditions, and changes.

And as to the judgment of Cato the Censor, he was well punished for his blasphemy against learning, in the same kind wherein he offended; for when he was past threescore years old, he was taken with an extreme desire to go to school again, and to learn the Greek tongue, to the end to peruse the Greek authors, which doth well demonstrate, that his former censure of the Grecian learning was rather an affected gravity, than according to the inward sense of his own opinion. And as for Virgil's verses, though it pleased him to brave the world, in taking to the Romans the art of empire, and leaving to others the arts of subjects; yet so much is manifest, that the Romans never ascended to that height of empire till the time they had ascended to the height of other arts. For in the time of the two first Cæsars, which had the art of government in greatest perfection, there lived the best poet, Virgilius Maro; the best historiographer, Titus Livius; the best antiquary, Marcus Varro; and the best or second orator, Marcus Cicero, that to the memory of man are known. As for the accusation of Socrates, the time must be remembered when it was prosecuted; which was under the thirty tyrants, the most base, bloody, and envious persons that have governed; which revolution of state was no sooner over, but Socrates, whom they had made a person criminal, was made a person heroical, and his memory accumulate with honours divine and human; and those discourses of his, which were then termed corrupting of manners, were after acknowledged for sovereign medicines of the mind and manners, and so have been received ever since, till this day. Let this therefore serve for answer to politicians, which in their humorous severity, or in their feigned gravity, have presumed to throw imputations upon learning; which redargution, nevertheless, (save that we know not whether our labours may extend to other ages,) were not needful for the present, in regard of the love and reverence towards learning, which the example and countenance of two so learned princes, queen Elizabeth and your majesty, being as Castor and Pollux, lucida sidera, stars of excellent light and most benign influence, hath wrought in all men of place and authority in our nation.

Now therefore we come to that third sort of discredit, or diminution of credit, that groweth unto learning from learned men themselves, which commonly cleaveth fastest: it is either from their fortune; or from their manners; or from the nature of their studies. For the first, it is not in their power; and the second is accidental; the third only is proper to be handled: but because we are not in hand with true measure, but with popular estimation and conceit, it is not amiss to speak somewhat of the two former. The derogations, therefore, which grow to learning from the fortune or condition of learned men, are either in respect of scarcity of means, or in respect of privateness of life, and meanness of employments.

Concerning want, and that it is the case of learned men usually to begin with little, and not to grow rich so fast as other men, by reason they convert not their labours chiefly to lucre and increase: it were good to leave the common place in commendation of poverty to some friar to handle, to whom much was attributed by Machiavel in this point; when he said, "that the kingdom of the clergy had been long before at an end, if the reputation and reverence towards the poverty of friars had not borne out the scandal of the superfluities and excesses of bishops and prelates." So a man might say, that the felicity and delicacy of princes and great persons had long since turned to rudeness and barbarism, if the poverty of learning had not kept up civility and honour of life; but, without any such advantages, it is worthy the observation, what a reverend and honoured thing poverty of fortune was, for some ages, in the Roman state, which nevertheless was a state without paradoxes; for we see what Titus Livius saith in his introduction: "Cæterum aut me amor negotii suscepti fallit, aut nulla unquam respublica nec major, nec sanctior, nec bonis exemplis ditior fuit; nec in quam tam seræ avaritia luxuriaque immigraverint: nec ubi tantus ac tam diu paupertati ac parsimoniæ honos fuerit." We see likewise, after that the state of Rome was not itself, but did degenerate, how that person, that took upon him to be counsellor to Julius Cæsar, after his victory, where to begin his restoration of the state, maketh it of all points the most summary to take away the estimation of wealth: "Verum hæc, et omnia mala pariter cum honore pecuniæ desinent: si neque magistratus, neque alia vulgo cupienda, venalia erunt." To conclude this point, as it was truly said, that "rubor est virtutis color," though sometimes it comes from vice; so it may be fitly said, that "paupertas est virtutis fortuna," though sometimes it may proceed from misgovernment and accident. Surely Solomon hath pronounced it both in censure, "Qui festinat ad divitias, non erit insons;" and in precept, "Buy the truth and sell it not;" and so of wisdom and knowledge; judging that means were to be spent upon learning, and not learning to be applied to means. And as for the privateness, or obscureness (as it may be in vulgar estimation accounted) of life of contemplative men; it is a theme so common, to extol a private life, not taxed with sensuality and sloth, in comparison, and to the disadvantage of a civil life, for safety, liberty, pleasure, and dignity, or at least freedom from indignity, as no man handleth it, but handleth it well: such a consonancy it hath to men's conceits in the expressing, and to men's consents in the allowing. This only I will add, that learned men, forgotten in states, and not living in the eyes of men, are like the images of Cassius and Brutus in the funeral of Junia; of which not being represented, as many others were, Tacitus saith, "Eo ipso præfulgebant, quod non visebantur."

And for meanness of employment, that which is most traduced to contempt, is that the government

of youth is commonly allotted to them; which age, because it is the age of least authority, it is transferred to the disesteeming of those employments wherein youth is conversant, and which are conversant about youth. But how unjust this traducement is (if you will reduce things from popularity of opinion to measure of reason) may appear in that we see men are more curious what they put into a new vessel, than into a vessel seasoned; and what mould they lay about a young plant, than about a plant corroborate; so as the weakest terms and times of all things use to have the best applications and helps. And will you hearken to the Hebrew rabbins? "Your young men shall see visions, and your old men shall dream dreams;" say they, youth is the worthier age, for that visions are nearer apparitions of God than dreams. And let it be noted, that howsoever the condition of life of pedants hath been scorned upon theatres, as the ape of tyranny; and that the modern looseness or negligence hath taken no due regard to the choice of schoolmasters and tutors; yet the ancient wisdom of the best times did always make a just complaint, that states were too busy with their laws, and too negligent in point of education: which excellent part of ancient discipline hath been in some sort revived, of late times, by the colleges of the Jesuits: of whom, although in regard to their superstition I may say, "quo meliores, eo deteriores;" yet in regard of this, and some other points concerning human learning and moral matters, I may say, as Agesilaus said to his enemy Pharnabasus, "Talis quum sis, utinam noster esses." And thus much touching the discredits drawn from the fortunes of learned men.

As touching the manners of learned men, it is a thing personal and individual: and no doubt there be amongst them, as in other professions, of all temperatures; but yet so as it is not without truth, which is said, that "abeunt studia in mores," studies have an influence and operation upon the manners of those that are conversant in them.

But upon an attentive and indifferent review, I, for my part, cannot find any disgrace to learning can proceed from the manners of learned men not inherent to them as they are learned; except it be a fault (which was the supposed fault of Demosthenes, Cicero, Cato the second, Seneca, and many more) that, because the times they read of are commonly better than the times they live in, and the duties taught better than the duties practised, they contend sometimes too far to bring things to perfection, and to reduce the corruption of manners to honesty of precepts, or examples of too great height. And yet hereof they have caveats enough in their own walks. For Solon, when he was asked whether he had given his citizens the best laws, answered wisely, "Yes, of such as they would receive:" and Plato, finding that his own heart could not agree with the corrupt manners of his country, refused to bear place or office; saying, "That a man's country was to be used as his parents were, that is, with humble persuasions, and not with contestations." And Cæsar's counsellor put in the same caveat, "Non ad vetera instituta revocans, quæ jampridem corruptis moribus ludibrio sunt:" and Cicero noteth this error directly in Cato the second, when he writes to his friend Atticus; "Cato optime sentit, sed nocet interdum reipublicæ; loquitur enim tanquam in republica Platonis, non tanquam in fæce Romuli." And the same Cicero doth excuse and expound the philosophers for going too far, and being too exact in their prescripts, when he saith, "Isti ipsi præceptores virtutis et magistri, videntur fines officiorum paulo longius, quam natura vellet protulisse, ut cum ad ultimum animo contendissemus, ibi tamen, ubi oportet, consisteremus:" and yet himself might have said, "Monitis sum minor ipse meis;" for it was his own fault, though not in so extreme a degree.

Another fault likewise much of this kind hath been incident to learned men; which is, that they have esteemed the preservation, good, and honour of their countries or masters, before their own fortunes or safeties. For so saith Demosthenes unto the Athenians: "If it please you to note it, my counsels unto you are not such, whereby I should grow great amongst you, and you become little amongst the Grecians: but they be of that nature, as they are sometimes not good for me to give, but are always good for you to follow." And so Seneca, after he had consecrated that Quinquennium Neronis to the eternal glory of learned governors, held on his honest and loyal course of good and free counsel, after his master grew extremely corrupt in his government. Neither can this point otherwise be; for learning endueth men's minds with a true sense of the frailty of their persons, the casualty of their fortunes, and the dignity of their soul and vocation: so that it is impossible for them to esteem that any greatness of their own fortune can be a true or worthy end of their being and ordainment; and therefore are desirous to give their account to God, and so likewise to their masters under God, (as kings and the states that they serve,) in these words; "Ecce tibi lucrifeci," and not "Ecce mihi lucrifeci:" whereas the corrupter sort of mere politicians, that have not their thoughts established by learning in the love and apprehension of duty, nor ever look abroad into universality, do refer all things to themselves, and thrust themselves into the centre of the world, as if all lines should meet in them and their fortunes; never caring, in all tempests, what becomes of the ship of state, so they may save themselves in the cock-boat of their own fortune; whereas men that feel the weight of duty, and know the limits of self-love, use to make good their places and duties, though with peril. And if they stand in seditious and violent alterations, it is rather the reverence which many times both adverse parts do give to honesty, than any versatile advantage of their own carriage. But for this point of tender sense, and fast obligation of duty, which learning doth endue the mind withal, howsoever fortune may tax it, and many in the depth of their corrupt principles may despise it, yet it will receive an open allowance, and therefore needs the less disproof or excusation.

Another fault incident commonly to learned men, which may be more probably defended than truly

denied, is, that they fail sometimes in applying themselves to particular persons: which want of exact application ariseth from two causes; the one, because the largeness of their mind can hardly confine itself to dwell in the exquisite observation or examination of the nature and customs of one person: for it is a speech for a lover, and not for a wise man: "Satis magnum alter alteri theatrum sumus." Nevertheless I shall yield, that he that cannot contract the sight of his mind, as well as disperse and dilate it, wanteth a great faculty. But there is a second cause, which is no inability, but a rejection upon choice and judgment; for the honest and just bounds of observation, by one person upon another, extend no farther, but to understand him sufficiently whereby not to give him offence, or whereby to be able to give him faithful counsel, or whereby to stand upon reasonable guard and caution, in respect of a man's self. But to be speculative into another man, to the end to know how to work him, or wind him, or govern him, proceedeth from a heart that is double and cloven, and not entire and ingenuous; which, as in friendship, it is want of integrity, so towards princes or superiors, is want of duty. For the custom of the Levant, which is, that subjects do forbear to gaze or fix their eyes upon princes, is in the outward ceremony barbarous, but the moral is good: for men ought not by cunning and bent observations to pierce and penetrate into the hearts of kings, which the Scripture hath declared to be inscrutable.

There is yet another fault (with which I will conclude this part) which is often noted in learned men, that they do many times fail to observe decency and discretion in their behaviour and carriage, and commit errors in small and ordinary points of action, so as the vulgar sort of capacities do make a judgment of them in greater matters, by that which they find wanting in them in smaller. But this consequence doth often deceive men, for which I do refer them over to that which was said by Themistocles, arrogantly and uncivilly, being applied to himself out of his own mouth; but being applied to the general state of this question, pertinently and justly; when, being invited to touch a lute, he said, "He could not fiddle, but he could make a small town a great state." So, no doubt, many may be well seen in the passages of government and policy, which are to seek in little and punctual occasions. I refer them also to that which Plato said of his master Socrates, whom he compared to the gallypots of apothecaries, which on the outside had apes and owls and antiques, but contained within sovereign and precious liquors and confections; acknowledging that to an external report, he was not without superficial levities and deformities, but was inwardly replenished with excellent virtues and powers. And so much touching the point of manners of learned men.

But in the mean time I have no purpose to give allowance to some conditions and courses base and unworthy, wherein divers professors of learning have wronged themselves, and gone too far; such as were those trencher philosophers, which in the later age of the Roman state were usually in the houses of great persons, being little better than solemn parasites; of which kind Lucian maketh a merry description of the philosopher that the great lady took to ride with her in her coach, and would needs have him carry her little dog, which he doing officiously, and yet uncomely, the page scoffed, and said, "That he doubted, the philosopher of a Stoic would turn to be a Cynic." But above all the rest, the gross and palpable flattery, whereunto many, not unlearned, have abased and abused their wits and pens, turning, as Du Bartas saith, Hecuba into Helena, and Faustina into Lucretia, hath most diminished the price and estimation of learning. Neither is the modern dedication of books and writings, as to patrons, to be commended: for that books, such as are worthy the name of books, ought to have no patrons but truth and reason. And the ancient custom was, to dedicate them only to private and equal friends, or to entitle the books with their names; or if to kings and great persons, it was to some such as the argument of the book was fit and proper for: but these and the like courses may deserve rather reprehension than defence.

Not that I can tax or condemn the morigeration or application of learned men to men in fortune. For the answer was good that Diogenes made to one that asked him in mockery, "How it came to pass that philosophers were the followers of rich men, and not rich men of philosophers?" He answered soberly, and yet sharply, "Because the one sort knew what they had need of, and the other did not." And of the like nature was the answer which Aristippus made, when having a petition to Dionysius, and no ear given to him, he fell down at his feet; whereupon Dionysius staid, and gave him the hearing, and granted it; and afterwards some person, tender on the behalf of philosophy, reproved Aristippus, that he would offer the profession of philosophy such an indignity, as for a private suit to fall at a tyrant's feet. But he answered, "It was not his fault, but it was the fault of Dionysius, that had his ears in his feet." Neither was it accounted weakness, but discretion in him that would not dispute his best with Adrianus Cæsar; excusing himself, "That it was reason to yield to him that commanded thirty legions." These and the like applications, and stooping to points of necessity and convenience, cannot be disallowed; for though they may have some outward baseness, yet in a judgment truly made, they are to be accounted submissions to the occasion, and not to the person.

Now I proceed to those errors and vanities, which have intervened amongst the studies themselves of the learned, which is that which is principal and proper to the present argument; wherein my purpose is not to make a justification of the errors, but, by a censure and separation of the errors, to make a justification of that which is good and sound, and to deliver that from the aspersion of the other. For we see, that it is the manner of men to scandalise and deprave that which retaineth the state and virtue, by taking advantage upon that which is corrupt and degenerate; as the heathens in the primitive church used to blemish and taint the christians

with the faults and corruptions of heretics. But nevertheless I have no meaning at this time to make any exact animadversion of the errors and impediments in matters of learning, which are more secret and remote from vulgar opinion, but only to speak unto such as do fall under, or near unto, a popular observation.

There be therefore chiefly three vanities in studies, whereby learning hath been most traduced. For those things we do esteem vain, which are either false or frivolous, those which either have no truth, or no use: and those persons we esteem vain, which are either credulous or curious; and curiosity is either in matter, or words: so that in reason, as well as in experience, there fall out to be these three distempers, as I may term them, of learning: the first, fantastical learning; the second, contentious learning; and the last, delicate learning; vain imaginations, vain altercations, and vain affectations; and with the last I will begin.

Martin Luther, conducted no doubt by a higher Providence, but in discourse of reason, finding what a province he had undertaken against the bishop of Rome, and the degenerate traditions of the church, and finding his own solitude being no ways aided by the opinions of his own time, was enforced to awake all antiquity, and to call former times to his succour, to make a party against the present time. So that the ancient authors, both in divinity, and in humanity, which had long time slept in libraries, began generally to be read and revolved. This by consequence did draw on a necessity of a more exquisite travail in the languages original, wherein those authors did write, for the better understanding of those authors, and the better advantage of pressing and applying their words. And thereof grew again a delight in their manner of style and phrase, and an admiration of that kind of writing; which was much furthered and precipitated by the enmity and opposition, that the propounders of those primitive, but seeming new, opinions had against the schoolmen, who were generally of the contrary part, and whose writings are altogether in a differing style and form; taking liberty to coin and frame new terms of art to express their own sense, and to avoid circuit of speech, without regard to the pureness, pleasantness, and, as I may call it, lawfulness of the phrase or word. And again, because the great labour then was with the people, of whom the Pharisees were wont to say, "Execrabilis ista turba, quæ non novit legem;" for the winning and persuading of them, there grew of necessity in chief price and request, eloquence and variety of discourse, as the fittest and forciblest access into the capacity of the vulgar sort: so that these four causes concurring, the admiration of ancient authors, the hate of the schoolmen, the exact study of languages, and the efficacy of preaching, did bring in an affectionate study of eloquence, and *copia* of speech, which then began to flourish. This grew speedily to an excess; for men began to hunt more after words than matter; and more after the choiceness of the phrase, and the round and clean composition of the sentence, and the sweet falling of the clauses, and the varying and illustration of their works with tropes and figures, than after the weight of matter, worth of subject, soundness of argument, life of invention, or depth of judgment. Then grew the flowing and watery vein of Osorius, the Portugal bishop, to be in price. Then did Sturmius spend such infinite and curious pains upon Cicero the orator, and Hermogenes the rhetorician, besides his own books of periods, and imitation, and the like. Then did Car of Cambridge, and Ascham, with their lectures and writings, almost deify Cicero and Demosthenes, and allure all young men, that were studious, unto that delicate and polished kind of learning. Then did Erasmus take occasion to make the scoffing echo; "Decem annos consumpsi in legendo Cicerone:" and the echo answered in Greek, Ὄνε, Asine. Then grew the learning of the schoolmen to be utterly despised as barbarous. In sum, the whole inclination and bent of those times was rather towards *copia*, than weight.

Here therefore is the first distemper of learning, when men study words, and not matter: whereof though I have represented an example of late times, yet it hath been, and will be secundum majus et minus in all time. And how is it possible but this should have an operation to discredit learning, even with vulgar capacities, when they see learned men's works like the first letter of a patent, or limned book; which though it hath large flourishes, yet it is but a letter? It seems to me that Pygmalion's frenzy is a good emblem or portraiture of this vanity: for words are but the images of matter, and except they have life of reason and invention, to fall in love with them is all one as to fall in love with a picture.

But yet, notwithstanding, it is a thing not hastily to be condemned, to clothe and adorn the obscurity, even of philosophy itself, with sensible and plausible elocution. For hereof we have great examples in Xenophon, Cicero, Seneca, Plutarch, and of Plato also in some degree; and hereof likewise there is great use: for surely, to the severe inquisition of truth, and the deep progress into philosophy, it is some hinderance; because it is too early satisfactory to the mind of man, and quencheth the desire of further search, before we come to a just period: but then, if a man be to have any use of such knowledge in civil occasions, of conference, counsel, persuasion, discourse, or the like; then shall he find it prepared to his hands in those authors which write in that manner. But the access of this is so justly contemptible, that as Hercules, when he saw the image of Adonis, Venus's minion, in a temple, said in disdain, "Nil sacri es;" so there is none of Hercules's followers in learning, that is, the more severe and laborious sort of inquirers into truth, but will despise those delicacies and affectations, as indeed capable of no divineness. And thus much of the first disease or distemper of learning.

The second, which followeth, is in nature worse than the former: for as substance of matter is better than beauty of words, so, contrariwise, vain matter is worse than vain words; wherein it seemeth the reprehension of St. Paul was not only proper for those times, but prophetical for the times following;

and not only respective to divinity, but extensive to all knowledge: "Devita profanas vocum novitates, et oppositiones falsi nominis scientiæ." For he assigneth two marks and badges of suspected and falsified science: the one, the novelty and strangeness of terms; the other, the strictness of positions, which of necessity doth induce oppositions, and so questions and altercations. Surely, like as many substances in nature which are solid, do putrify and corrupt into worms; so it is the propriety of good and sound knowledge, to putrify and dissolve into a number of subtle, idle, unwholesome, and, as I may term them, vermiculate questions, which have indeed a kind of quickness, and life of spirit, but no soundness of matter, or goodness of quality. This kind of degenerate learning did chiefly reign amongst the schoolmen, who, having sharp and strong wits, and abundance of leisure, and small variety of reading; but their wits being shut up in the cells of a few authors, chiefly Aristotle their dictator, as their persons were shut up in the cells of monasteries and colleges, and knowing little history, either of nature or time, did, out of no great quantity of matter, and infinite agitation of wit, spin out unto us those laborious webs of learning, which are extant in their books. For the wit and mind of man, if it work upon matter, which is the contemplation of the creatures of God, worketh according to the stuff, and is limited thereby; but if it work upon itself, as the spider worketh his web, then it is endless, and brings forth indeed cobwebs of learning, admirable for the fineness of thread and work, but of no substance or profit.

This same unprofitable subtility or curiosity is of two sorts: either in the subject itself that they handle, when it is fruitless speculation, or controversy, whereof there are no small number both in divinity and philosophy; or in the manner or method of handling of a knowledge, which amongst them was this; upon every particular position or assertion to frame objections, and to those objections, solutions; which solutions were for the most part not confutations, but distinctions: whereas indeed the strength of all sciences is, as the strength of the old man's faggot, in the band. For the harmony of a science, supporting each part the other, is and ought to be the true and brief confutation and suppression of all the smaller sort of objections. But, on the other side, if you take out every axiom, as the sticks of the faggot, one by one, you may quarrel with them, and bend them, and break them at your pleasure: so that, as was said of Seneca, "Verborum minutiis rerum frangit pondera:" so a man may truly say of the schoolmen, "Quæstionum minutiis scientiarum frangunt soliditatem." For were it not better for a man in a fair room, to set up one great light, or branching candlestick of lights, than to go about with a small watch candle into every corner? And such is their method, that rests not so much upon evidence of truth proved by arguments, authorities, similitudes, examples, as upon particular confutations and solutions of every scruple, cavillation, and objection; breeding for the most part one question, as fast as it solveth another; even as in the former resemblance, when you carry the light into one c ner, you darken the rest: so that the fable and tion of Scylla seemeth to be a lively image of t kind of philosophy or knowledge, which was tra formed into a comely virgin for the upper par but then, "Candida succinctam latrantibus ingui monstris:" so the generalities of the schoolmen for awhile good and proportionable; but then, wh you descend into their distinctions and decisions, stead of a fruitful womb, for the use and benefit man's life, they end in monstrous altercations, barking questions. So as it is not possible but t quality of knowledge must fall under popular c tempt, the people being apt to contemn truth up occasion of controversies and altercations, and think they are all out of their way which ne meet: and when they see such digladiation ab subtilties, and matters of no use or moment, th easily fall upon that judgment of Dionysius of Sy cuse, "Verba ista sunt senum otiosorum."

Notwithstanding, certain it is, that if those scho men, to their great thirst of truth, and unwear travail of wit, had joined variety and universality reading and contemplation, they had proved exc lent lights, to the great advancement of all learni and knowledge; but as they are, they are great dertakers indeed, and fierce with dark keepi But as in the inquiry of the divine truth, their pri inclined to leave the oracle of God's word, and vanish in the mixture of their own inventions; in the inquisition of nature, they ever left the ora of God's works, and adored the deceiving and formed images, which the unequal mirror of th own minds, or a few received authors or princip did represent unto them. And thus much for second disease of learning.

For the third vice or disease of learning, wh concerneth deceit or untruth, it is of all the rest foulest; as that which doth destroy the essen form of knowledge, which is nothing but a rep sentation of truth; for the truth of being and truth of knowing are one, differing no more than direct beam and the beam reflected. This therefore brancheth itself into two sorts; delight deceiving, and aptness to be deceived; impost and credulity; which, although they appear to be a diverse nature, the one seeming to proceed cunning, and the other of simplicity; yet certai they do for the most part concur: for, as the ve noteth,

"Percontatorem fugito, nam garrulus idem est:"

an inquisitive man is a prattler: so upon the reason, a credulous man is a deceiver: as we se in fame, that he that will easily believe rumo will as easily augment rumours, and add somew to them of his own; which Tacitus wisely note when he saith, "Fingunt simul creduntque:" great an affinity hath fiction and belief.

This facility of credit, and accepting or admitti things weakly authorised or warranted, is of kinds, according to the subject: for it is either belief of history, or, as the lawyers speak, matter fact; or else of matter of art and opinion. As to

former, we see the experience and inconvenience of this error in ecclesiastical history, which hath too easily received and registered reports and narrations of miracles wrought by martyrs, hermits, or monks of the desert, and other holy men, and their relics, shrines, chapels, and images: which though they had a passage for a time, by the ignorance of the people, the superstitious simplicity of some, and the politic toleration of others, holding them but as Divine poesies; yet after a period of time, when the mist began to clear up, they grew to be esteemed but as old wives' fables, impostures of the clergy, illusions of spirits, and badges of antichrist, to the great scandal and detriment of religion.

So in natural history, we see there hath not been that choice and judgment used as ought to have been, as may appear in the writings of Plinius, Cardanus, Albertus, and divers of the Arabians, being fraught with much fabulous matter, a great part not only untried, but notoriously untrue, to the great derogation of the credit of natural philosophy with the grave and sober kind of wits: wherein the wisdom and integrity of Aristotle is worthy to be observed, that, having made so diligent and exquisite a history of living creatures, hath mingled it sparingly with any vain or feigned matter; and yet, on the other side, hath cast all prodigious narrations, which he thought worthy the recording, into one book: excellently discerning that matter of manifest truth, such whereupon observation and rule were to be built, was not to be mingled or weakened with matter of doubtful credit; and yet again that rarities and reports, that seem incredible, are not to be suppressed or denied to the memory of men.

And as for the facility of credit which is yielded to arts and opinions, it is likewise of two kinds; either when too much belief is attributed to the arts themselves, or to certain authors in any art. The sciences themselves, which have had better intelligence and confederacy with the imagination of man, than with his reason, are three in number: astrology, natural magic, and alchemy; of which sciences, nevertheless, the ends or pretences are noble. For astrology pretendeth to discover that correspondence, or concatenation, which is between the superior globe and the inferior: natural magic pretendeth to call and reduce natural philosophy from variety of speculations to the magnitude of works: and alchemy pretendeth to make separation of all the unlike parts of bodies, which in mixtures of nature are incorporate. But the derivations and prosecutions to these ends, both in the theories and in the practices, are full of error and vanity; which the great professors themselves have sought to veil over and conceal by enigmatical writings, and referring themselves to auricular traditions and such other devices, to save the credit of impostors: and yet surely to alchemy this right is due, that it may be compared to the husbandman whereof Æsop makes the fable; that, when he died, told his sons, that he had left unto them gold buried under-ground in his vineyard; and they digged over all the ground, and gold they found none; but by reason of their stirring and digging the mould about the roots of their vines, they had a great vintage the year following: so assuredly the search and stir to make gold hath brought to light a great number of good and fruitful inventions and experiments, as well for the disclosing of nature, as for the use of man's life.

And as for the overmuch credit that hath been given unto authors in sciences, in making them dictators, that their words should stand, and not consuls, to give advice; the damage is infinite that sciences have received thereby, as the principal cause that hath kept them low, at a stay, without growth or advancement. For hence it hath come, that in arts mechanical, the first deviser comes shortest, and time addeth and perfecteth; but in science, the first author goeth farthest, and time loseth and corrupteth. So we see, artillery, sailing, printing, and the like, were grossly managed at the first, and by time accommodated and refined: but contrariwise the philosophies and sciences of Aristotle, Plato, Democritus, Hippocrates, Euclides, Archimedes, of most vigour at the first, and by time degenerate and embased; whereof the reason is no other, but that in the former many wits and industries have contributed in one; and in the latter many wits and industries have been spent about the wit of some one, whom many times they have rather depraved than illustrated. For as water will not ascend higher than the level of the first spring-head from whence it descendeth, so knowledge derived from Aristotle, and exempted from liberty of examination, will not rise again higher than the knowledge of Aristotle. And therefore, although the position be good, "Oportet discentem credere;" yet it must be coupled with this, "Oportet edoctum judicare:" for disciples do owe unto masters only a temporary belief, and a suspension of their own judgment till they be fully instructed, and not an absolute resignation, or perpetual captivity: and therefore, to conclude this point, I will say no more; but so let great authors have their due, as time, which is the author of authors, be not deprived of his due, which is, farther and farther to discover truth. Thus I have gone over these three diseases of learning; besides the which, there are some other rather peccant humours than formed diseases, which nevertheless are not so secret and intrinsic, but that they fall under a popular observation and traducement, and therefore are not to be passed over.

The first of these is the extreme affecting of two extremities; the one antiquity, the other novelty; wherein it seemeth the children of time do take after the nature and malice of the father. For as he devoureth his children, so one of them seeketh to devour and suppress the other, while antiquity envieth there should be new additions, and novelty cannot be content to add, but it must deface; surely, the advice of the prophet is the true direction in this matter, "State super vias antiquas, et videte quænam sit via recta et bona, et ambulate in ea." Antiquity deserveth that reverence, that men should make a stand thereupon, and discover what is the best way; but when the discovery is well taken, then to make progression. And to speak truly, "Antiquitas seculi, juventus mundi." These

times are the ancient times, when the world is ancient, and not those which we account ancient ordine retrogrado, by a computation backward from ourselves.

Another error, induced by the former, is a distrust that any thing should be now to be found out, which the world should have missed and passed over so long time; as if the same objection were to be made to time, that Lucian maketh to Jupiter and other the heathen gods, of which he wondereth, that they begot so many children in old time, and begot none in his time; and asketh, whether they were become septuagenary, or whether the law Papia, made against old men's marriages, had restrained them. So it seemeth men doubt lest time is become past children and generation; wherein, contrariwise, we see commonly the levity and inconstancy of men's judgments, which, till a matter be done, wonder that it can be done; and as soon as it is done, wonder again that it was no sooner done; as we see in the expedition of Alexander into Asia, which at first was prejudged as a vast and impossible enterprise: and yet afterwards it pleaseth Livy to make no more of it than this; "Nil aliud, quam bene ausus est vana contemnere:" and the same happened to Columbus in the western navigation. But in intellectual matters, it is much more common; as may be seen in most of the propositions of Euclid, which till they be demonstrated, they seem strange to our assent; but being demonstrated, our mind accepteth of them by a kind of relation, as the lawyers speak, as if we had known them before.

Another error, that hath also some affinity with the former, is a conceit, that of former opinions or sects, after variety and examination, the best hath still prevailed, and suppressed the rest: so as, if a man should begin the labour of a new search, he were but like to light upon somewhat formerly rejected, and by rejection brought into oblivion; as if the multitude, or the wisest, for the multitude's sake, were not ready to give passage, rather to that which is popular and superficial, than to that which is substantial and profound: for the truth is, that time seemeth to be of the nature of a river or stream, which carrieth down to us that which is light and blown up, and sinketh and drowneth that which is weighty and solid.

Another error, of a diverse nature from all the former, is the over early and peremptory reduction of knowledge into arts and methods; from which time commonly sciences receive small or no augmentation. But as young men, when they knit and shape perfectly, do seldom grow to a farther stature: so knowledge, while it is in aphorisms and observations, it is in growth; but when it once is comprehended in exact methods, it may perchance be farther polished and illustrated, and accommodated for use and practice; but it increaseth no more in bulk and substance.

Another error which doth succeed that which we last mentioned, is, that after the distribution of particular arts and sciences, men have abandoned universality, or philosophia prima; which cannot but cease, and stop all progression. For no perfect discovery can be made upon a flat or a level: n ther is it possible to discover the more remote deeper parts of any science, if you stand but u the level of the same science, and ascend not t higher science.

Another error hath proceeded from too grea reverence, and a kind of adoration of the mind understanding of man; by means whereof, n have withdrawn themselves too much from the c templation of nature, and the observations of perience, and have tumbled up and down in th own reason and conceits. Upon these intellectu ists, which are, notwithstanding, commonly tak for the most sublime and divine philosophers. He clitus gave a just censure, saying, "Men sou truth in their own little worlds, and not in great and common world;" for they disdain to sp and so by degrees to read in the volume of Go works; and contrariwise, by continual meditati and agitation of wit, do urge and as it were invoc their own spirits to divine, and give oracles u them, whereby they are deservedly deluded.

Another error that hath some connexion with t latter, is, that men have used to infect their medi tions, opinions, and doctrines, with some conce which they have most admired, or some scien which they have most applied; and given all thin else a tincture according to them, utterly untr and improper. So hath Plato intermingled his p losophy with theology, and Aristotle with logic; a the second school of Plato, Proclus and the r with the mathematics. For these were the a which had a kind of primogeniture with them se rally. So have the alchemists made a philosop out of a few experiments of the furnace; and G bertus, our countryman, hath made a philosophy of the observations of a loadstone. So Cicero, wh reciting the several opinions of the nature of t soul, he found a musician, that held the soul w but a harmony, saith pleasantly, "Hic ab arte n non recessit," etc. But of these conceits Aristo speaketh seriously and wisely, when he saith, "Q respiciunt ad pauca, de facili pronuntiant."

Another error is an impatience of doubt, and ha to assertion without due and mature suspension judgment. For the two ways of contemplation a not unlike the two ways of action, commonly spok of by the ancients: the one plain and smooth in t beginning, and in the end impassable; the oth rough and troublesome in the entrance, but after while fair and even: so it is in contemplation; if man will begin with certainties, he shall end doubts; but if he will be content to begin wi doubts, he shall end in certainties.

Another error is in the manner of the traditi and delivery of knowledge, which is for the mo part magistral and peremptory; and not ingenuo and faithful, in a sort, as may be soonest believe and not easiliest examined. It is true, that in co pendious treatises for practice, that form is not be disallowed. But in the true handling of kno ledge, men ought not to fall either, on the one sid into the vein of Velleius the Epicurean: "Nil m metuens, quam ne dubitare aliqua de re videretur

or, on the other side, into Socrates his ironical doubting of all things; but to propound things sincerely, with more or less asseveration, as they stand in a man's own judgment proved more or less.

Other errors there are in the scope that men propound to themselves, whereunto they bend their endeavours: for whereas the more constant and devoted kind of professors of any science ought to propound to themselves to make some additions to their science; they convert their labours to aspire to certain second prizes; as to be a profound interpreter, or commentator; to be a sharp champion or defender; to be a methodical compounder or abridger; and so the patrimony of knowledge cometh to be sometimes improved, but seldom augmented.

But the greatest error of all the rest, is the mistaking or misplacing of the last or farthest end of knowledge: for men have entered into a desire of learning and knowledge, sometimes upon a natural curiosity, and inquisitive appetite; sometimes to entertain their minds with variety and delight; sometimes for ornament and reputation; and sometimes to enable them to victory of wit and contradiction; and most times for lucre and profession; and seldom sincerely to give a true account of their gift of reason, to the benefit and use of men: as if there were sought in knowledge a couch, whereupon to rest a searching and restless spirit; or a terrace, for a wandering and variable mind to walk up and down with a fair prospect; or a tower of state, for a proud mind to raise itself upon; or a fort or commanding ground, for strife and contention; or a shop, for profit, or sale; and not a rich storehouse, for the glory of the Creator, and the relief of man's estate. But this is that which will indeed dignify and exalt knowledge, if contemplation and action may be more nearly and straitly conjoined and united together than they have been; a conjunction like unto that of the two highest planets, Saturn, the planet of rest and contemplation, and Jupiter, the planet of civil society and action. Howbeit, I do not mean, when I speak of use and action, that end before mentioned of the applying of knowledge to lucre and profession; for I am not ignorant how much that diverteth and interrupteth the prosecution and advancement of knowledge, like unto the golden ball thrown before Atalanta, which while she goeth aside and stooperth to take up, the race is hindered;

Declinat cursus, aurumque volubile tollit.

Neither is my meaning, as was spoken of Socrates, to call philosophy down from heaven to converse upon the earth; that is, to leave natural philosophy aside, and to apply knowledge only to manners and policy. But as both heaven and earth do conspire and contribute to the use and benefit of man; so the end ought to be, from both philosophies to separate and reject vain speculations, and whatsoever is empty and void, and to preserve and augment whatsoever is solid and fruitful: that knowledge may not be, as a courtesan, for pleasure and vanity only, or, as a bond-woman, to acquire and gain to her master's use; but, as a spouse, for generation, fruit, and comfort.

Thus have I described and opened, as by a kind of dissection, those peccant humours, the principal of them, which have not only given impediment to the proficience of learning, but have given also occasion to the traducement thereof: wherein if I have been too plain, it must be remembered, "Fidelia vulnera amantis, sed dolosa oscula malignantis."

This, I think, I have gained, that I ought to be the better believed in that which I shall say pertaining to commendation; because I have proceeded so freely in that which concerneth censure. And yet I have no purpose to enter into a laudative of learning, or to make a hymn to the Muses, though I am of opinion that it is long since their rites were duly celebrated: but my intent is, without varnish or amplification, justly to weigh the dignity of knowledge in the balance with other things, and to take the true value thereof by testimonies and arguments divine and human.

First, therefore, let us seek the dignity of knowledge in the archetype or first platform, which is in the attributes and acts of God, as far as they are revealed to man, and may be observed with sobriety; wherein we may not seek it by the name of learning; for all learning is knowledge acquired, and all knowledge in God is original; and therefore we must look for it by another name, that of wisdom or sapience, as the Scriptures call it.

It is so then, that in the word of the creation we see a double emanation of virtue from God; the one referring more properly to power, the other to wisdom; the one expressed in making the subsistence of the matter, and the other in disposing the beauty of the form. This being supposed, it is to be observed, that, for any thing which appeareth in the history of the creation, the confused mass and matter of heaven and earth was made in a moment; and the order and disposition of that chaos, or mass, was the work of six days; such a note of difference it pleased God to put upon the works of power, and the works of wisdom: wherewith concurreth, that in the former it is not set down that God said, "Let there be heaven and earth," as it is set down of the works following; but actually, that God made heaven and earth: the one carrying the style of a manufacture, and the other of a law, decree, or council.

To proceed to that which is next in order, from God to spirits. We find, as far as credit is to be given to the celestial hierarchy of that supposed Dionysius the senator of Athens, the first place or degree is given to the angels of love, which are termed Seraphim; the second to the angels of light, which are termed Cherubim; and the third, and so following places, to thrones, principalities, and the rest, which are all angels of power and ministry; so as the angels of knowledge and illumination are placed before the angels of office and domination.

To descend from spirits and intellectual forms to sensible and material forms; we read the first form that was created was light, which hath a relation and correspondence in nature and corporal things to knowledge in spirits and incorporal things.

So in the distribution of days, we see, the day wherein God did rest, and contemplate his own works, was blessed above all the days wherein he did effect and accomplish them.

After the creation was finished, it is set down unto us, that man was placed in the garden to work therein; which work, so appointed to him, could be no other than work of contemplation; that is, when the end of work is but for exercise and experiment, not for necessity; for there being then no reluctation of the creature, nor sweat of the brow, man's employment must of consequence have been matter of delight in the experiment, and not matter of labour for the use. Again, the first acts which man performed in paradise, consisted of the two summary parts of knowledge; the view of creatures, and the imposition of names. As for the knowledge which induced the fall, it was, as was touched before, not the natural knowledge of creatures, but the moral knowledge of good and evil; wherein the supposition was, that God's commandments or prohibitions were not the originals of good and evil, but that they had other beginnings, which man aspired to know, to the end to make a total defection from God, and to depend wholly upon himself.

To pass on: in the first event or occurrence after the fall of man, we see, as the Scriptures have infinite mysteries, not violating at all the truth of the story or letter, an image of the two estates, the contemplative state, and the active state, figured in the two persons of Abel and Cain, and in the two simplest and most primitive trades of life; that of the shepherd, who, by reason of his leisure, rest in a place, and living in view of heaven, is a lively image of a contemplative life; and that of the husbandman; where we see again, the favour and election of God went to the shepherd, and not to the tiller of the ground.

So in the age before the flood, the holy records within those few memorials, which are there entered and registered, have vouchsafed to mention, and honour the name of the inventors and authors of music, and works in metal. In the age after the flood, the first great judgment of God upon the ambition of man was the confusion of tongues; whereby the open trade and intercourse of learning and knowledge was chiefly imbarred.

To descend to Moses the lawgiver, and God's first pen: he is adorned by the Scriptures with this addition and commendation, that he was "seen in all the learning of the Ægyptians;" which nation, we know, was one of the most ancient schools of the world: for so Plato brings in the Ægyptian priest saying unto Solon, "You Grecians are ever children; you have no knowledge of antiquity, nor antiquity of knowledge." Take a view of the ceremonial law of Moses; you shall find, besides the prefiguration of Christ, the badge or difference of the people of God, the exercise and impression of obedience, and other divine uses and fruits thereof, that some of the most learned Rabbins have travelled profitably, and profoundly to observe, some of them a natural, some of them a moral sense, or reduction of many of the ceremonies and ordinances. As in the law of the leprosy, where it is said, "If the whiteness have overspread the flesh, the patient may pass abroad for clean; but if there be any whole flesh remaining, he is to be shut up for unclean:" one of them noteth a principle of nature, that putrefaction is more contagious before maturity, than after: and another noteth a position of moral philosophy, that men, abandoned to vice, do not so much corrupt manners, as those that are half good and half evil. So in this, and very many other places in that law, there is to be found, besides the theological sense, much aspersion of philosophy.

So likewise in that excellent book of Job, if it be revolved with diligence, it will be found pregnant and swelling with natural philosophy: as for example, cosmography, and the roundness of the world; "Qui extendit aquilonem super vacuum, et appendit terram super nihilum;" wherein the pensileness of the earth, the pole of the north, and the finiteness or convexity of heaven, are manifestly touched. So again, matter of astronomy; "Spiritus ejus ornavit cœlos, et obstetricante manu ejus eductus est Coluber tortuosus." And in another place; "Nunquid conjungere valebis micantes stellas Pleiadas, aut gyrum Arcturi poteris dissipare?" Where the fixing of the stars, ever standing at equal distance, is with great elegancy noted. And in another place; "Qui facit Arcturum, et Oriona, et Hyadas, et interiora Austri;" where again he takes knowledge of the depression of the southern pole, calling it the secrets of the south, because the southern stars were in that climate unseen. Matter of generation; "Annon sicut lac mulsisti me, et sicut caseum coagulasti me," etc. Matter of minerals; "Habet argentum venarum suarum principia: et auro locus est in quo conflatur, ferrum de terrâ tollitur, et lapis solutus calore in æs vertitur:" and so forwards in that chapter.

So likewise in the person of Solomon the king, we see the gift or endowment of wisdom and learning, both in Solomon's petition, and in God's assent thereunto, preferred before all other terrene and temporal felicity. By virtue of which grant or donative of God, Solomon became enabled, not only to write those excellent parables, or aphorisms, concerning divine and moral philosophy; but also to compile a natural history of all verdure, from the cedar upon the mountain to the moss upon the wall, which is but a rudiment between putrefaction and an herb, and also of all things that breathe or move. Nay, the same Solomon the king, although he excelled in the glory of treasure and magnificent buildings, of shipping and navigation, of service and attendance, of fame and renown and the like, yet he maketh no claim to any of those glories, but only to the glory of inquisition of truth; for so he saith expressly, "The glory of God is to conceal a thing, but the glory of the king is to find it out;" as if, according to the innocent play of children, the Divine Majesty took delight to hide his works, to the end to have them found out; and as if kings could not obtain a greater honour than to be God's playfellows in that game, considering the great commandment of wits and means, whereby nothing needeth to be hidden from them.

Neither did the dispensation of God vary in the times after our Saviour came into the world; for our Saviour himself did first show his power to subdue ignorance, by his conference with the priests and doctors of the law, before he showed his power to subdue nature by his miracles. And the coming of the Holy Spirit was chiefly figured and expressed in the similitude and gift of tongues, which are but vehicula scientiæ.

So in the election of those instruments, which it pleased God to use for the plantation of the faith, notwithstanding that at the first he did employ persons altogether unlearned, otherwise than by inspiration, more evidently to declare his immediate working, and to abase all human wisdom or knowledge; yet, nevertheless, that counsel of his was no sooner performed, but in the next vicissitude and succession, he did send his divine truth into the world, waited on with other learnings, as with servants or hand-maids: for so we see St. Paul, who was the only learned amongst the apostles, had his pen most used in the Scriptures of the New Testament.

So again, we find that many of the ancient bishops and fathers of the church were excellently read and studied in all the learning of the heathen; insomuch, that the edict of the emperor Julianus, whereby it was interdicted unto christians to be admitted into schools, lectures, or exercises of learning, was esteemed and accounted a more pernicious engine and machination against the christian faith, than were all the sanguinary prosecutions of his predecessors; neither could the emulation and jealousy of Gregory, the first of that name, bishop of Rome, ever obtain the opinion of piety or devotion; but contrariwise received the censure of humour, malignity, and pusillanimity, even amongst holy men; in that he designed to obliterate and extinguish the memory of heathen antiquity and authors. But contrariwise it was the christian church, which, amidst the inundations of the Scythians on the one side from the north-west, and the Saracens from the east, did preserve, in the sacred lap and bosom thereof, the precious relics even of heathen learning, which otherwise had been extinguished, as if no such thing had ever been.

And we see before our eyes, that in the age of ourselves and our fathers, when it pleased God to call the church of Rome to account for their degenerate manners and ceremonies, and sundry doctrines obnoxious, and framed to uphold the same abuses; at one and the same time it was ordained by the Divine Providence, that there should attend withal a renovation, a new spring of all other knowledges: and, on the other side, we see the Jesuits, who partly in themselves, and partly by the emulation and provocation of their example, have much quickened and strengthened the state of learning; we see, I say, what notable service and reparation they have done to the Roman see.

Wherefore, to conclude this part, let it be observed, that there be two principal duties and services, besides ornament and illustration, which philosophy and human learning do perform to faith and religion. The one, because they are an effectual inducement to the exaltation of the glory of God. For as the Psalms and other scriptures do often invite us to consider and magnify the great and wonderful works of God; so if we should rest only in the contemplation of the exterior of them, as they first offer themselves to our senses, we should do a like injury unto the majesty of God, as if we should judge or construe of the store of some excellent jeweller, by that only which is set out toward the street in his shop. The other, because they minister a singular help and preservative against unbelief and error: for our Saviour saith, "You err, not knowing the Scriptures, nor the power of God;" laying before us two books or volumes to study, if we will be secured from error; first, the Scriptures, revealing the will of God; and then the creatures, expressing his power; whereof the latter is a key unto the former: not only opening our understanding to conceive the true sense of the Scriptures, by the general notions of reason and rules of speech; but chiefly opening our belief, in drawing us into a due meditation of the omnipotency of God, which is chiefly signed and engraven upon his works. Thus much, therefore, for Divine testimony and evidence, concerning the true dignity and value of learning.

As for human proofs, it is so large a field, as, in a discourse of this nature and brevity, it is fit rather to use choice of those things which we shall produce, than to embrace the variety of them. First, therefore, in the degrees of human honour amongst the heathen, it was the highest, to obtain to a veneration and adoration as a god. This unto the christians is as the forbidden fruit. But we speak now separately of human testimony; according to which, that which the Grecians call "apotheosis," and the Latins, "relatio inter divos," was the supreme honour which man could attribute unto man; especially when it was given, not by a formal decree or act of state, as it was used among the Roman emperors, but by an inward assent and belief. Which honour being so high had also a degree or middle term; for there were reckoned above human honours, honours heroical and divine: in the attribution and distribution of which honours, we see, antiquity made this difference: that whereas founders and uniters of states and cities, lawgivers, extirpators of tyrants, fathers of the people, and other eminent persons in civil merit, were honoured but with the titles of worthies or demigods, such as were Hercules, Theseus, Minos, Romulus, and the like: on the other side, such as were inventors and authors of new arts, endowments, and commodities towards man's life, were ever consecrated amongst the gods themselves: as were Ceres, Bacchus, Mercurius, Apollo, and others; and justly: for the merit of the former is confined within the circle of an age or a nation; and is like fruitful showers, which though they be profitable and good, yet serve but for that season, and for a latitude of ground where they fall; but the other is indeed like the benefits of heaven, which are permanent and universal. The former, again, is mixed with strife and perturbation; but the latter hath the true character of divine presence, coming in aura leni, without noise or agitation.

Neither is certainly that other merit of learning, in repressing the inconveniences which grow from man to man, much inferior to the former, of relieving the necessities which arise from nature; which merit was livelily set forth by the ancients in that feigned relation of Orpheus's theatre, where all beasts and birds assembled, and, forgetting their several appetites, some of prey, some of game, some of quarrel, stood all sociably together, listening to the airs and accords of the harp; the sound whereof no sooner ceased, or was drowned by some louder noise, but every beast returned to his own nature; wherein is aptly described the nature and condition of men, who are full of savage and unreclaimed desires of profit, of lust, of revenge; which as long as they give ear to precepts, to laws, to religion, sweetly touched with eloquence and persuasion of books, of sermons, of harangues, so long is society and peace maintained; but if these instruments be silent, or that sedition and tumult make them not audible, all things dissolve into anarchy and confusion.

But this appears more manifestly, when kings themselves, or persons of authority under them, or other governors in commonwealths and popular estates, are endued with learning. For although he might be thought partial to his own profession, that said, "Then should people and estates be happy, when either kings were philosophers, or philosophers kings;" yet so much is verified by experience, that under wise and learned princes and governors there have been ever the best times: for howsoever kings may have their imperfections in their passions and customs; yet if they be illuminate by learning, they have those notions of religion, policy, and morality, which do preserve them; and refrain them from all ruinous and peremptory errors and excesses, whispering evermore in their ears, when counsellors and servants stand mute and silent. And senators, or counsellors likewise, which be learned, do proceed upon more safe and substantial principles, than counsellors which are only men of experience; the one sort keeping dangers afar off, whereas the other discover them not till they come near hand, and then trust to the agility of their wit to ward off or avoid them.

Which felicity of times under learned princes, to keep still the law of brevity, by using the most eminent and selected examples, doth best appear in the age which passed from the death of Domitian the emperor, until the reign of Commodus; comprehending a succession of six princes, all learned, or singular favourers and advancers of learning; which age, for temporal respects, was the most happy and flourishing that ever the Roman empire, which then was a model of the world, enjoyed; a matter revealed and prefigured unto Domitian in a dream the night before he was slain; for he thought there was grown behind upon his shoulders a neck and a head of gold: which came accordingly to pass in those golden times which succeeded; of which princes we will make some commemoration: wherein although the matter will be vulgar, and may be thought fitter for a declamation, than agreeable to a treatise enfolded as this is; yet because it is pertinent to t point in hand, "neque semper arcum tendit Apollo and to name them only were too naked and curso I will not omit it altogether.

The first was Nerva, the excellent temper whose government is by a glance in Cornelius T citus touched to the life: "Postquam divus Ner res olim insociabiles miscuisset, imperium et lib tatem." And in token of his learning, the last of his short reign, left to memory, was a missive his adopted son Trajan, proceeding upon some i ward discontent at the ingratitude of the tim comprehended in a verse of Homer's.

Telis, Phœbe, tuis lacrymas ulciscere nostras.

Trajan, who succeeded, was for his person learned: but if we will hearken to the speech of o Saviour, that saith, "He that receiveth a prophet the name of a prophet, shall have a prophet's ward," he deserveth to be placed amongst the m learned princes; for there was not a greater admi of learning, or benefactor of learning; a founder famous libraries, a perpetual advancer of learn men to office, and a familiar converser with learn professors and preceptors, who were noted to ha then most credit in court. On the other side, h much Trajan's virtue and government was admi and renowned, surely no testimony of grave a faithful history doth more livelily set forth, than th legend tale of Gregorius Magnus, bishop of Ro who was noted for the extreme envy he bore towa all heathen excellency; and yet he is reported, of the love and estimation of Trajan's moral virtu to have made unto God passionate and fervent praye for the delivery of his soul out of hell; and to ha obtained it, with a caveat, that he should make more such petitions. In this prince's time also, t persecutions against the christians received int mission, upon the certificate of Plinius Secundus, man of excellent learning, and by Trajan advanc

Adrian, his successor, was the most curious m that lived, and the most universal inquirer; in much as it was noted for an error in his mind, t he desired to comprehend all things, and not to serve himself for the worthiest things; falling i the like humour that was long before noted in Phi of Macedon, who, when he would needs overr and put down an excellent musician, in an argum touching music, was well answered by him aga "God forbid, sir," saith he, "that your fort should be so bad, as to know these things better th I." It pleased God likewise to use the curiosity this emperor, as an inducement to the peace of church in those days. For having Christ in ve ration, not as a God or Saviour, but as a wonder novelty; and having his picture in his galle matched with Apollonius, with whom, in his v imagination, he thought he had some conformi yet it served the turn to allay the bitter hatred those times against the christian name, so as t church had peace during his time. And for government civil, although he did not attain to t of Trajan's, in the glory of arms, or perfection justice; yet in deserving of the weal of the subject

did exceed him. For Trajan erected many famous monuments and buildings, insomuch as Constantine the Great in emulation was wont to call him, "Parietaria," wall-flower, because his name was upon so many walls: but his buildings and works were more of glory and triumph than use and necessity. But Adrian spent his whole reign, which was peaceable, in a perambulation, or survey of the Roman empire, giving order, and making assignation where he went, for re-edifying of cities, towns, and forts decayed, and for cutting of rivers and streams, and for making bridges and passages, and for policying of cities and commonalties with new ordinances and constitutions, and granting new franchises and incorporations; so that his whole time was a very restoration of all the lapses and decays of former times.

Antoninus Pius, who succeeded him, was a prince excellently learned; and had the patient and subtle wit of a schoolman; insomuch as in common speech, which leaves no virtue untaxed, he was called "Cyamini sector," a carver, or divider of cumin seed, which is one of the least seeds; such a patience he had and settled spirit, to enter into the least and most exact differences of causes, a fruit no doubt of the exceeding tranquillity and serenity of his mind; which being no ways charged or encumbered, either with fears, remorses, or scruples, but having been noted for a man of the purest goodness, without all fiction or affectation, that hath reigned or lived, made his mind continually present and entire. He likewise approached a degree nearer unto christianity, and became, as Agrippa said unto St. Paul, "half a christian;" holding their religion and law in good opinion, and not only ceasing persecution, but giving way to the advancement of christians.

There succeeded him the first divi fratres, the two adoptive brethren, Lucius Commodus Verus, son to Ælius Verus, who delighted much in the softer kind of learning, and was wont to call the poet Martial his Virgil, and Marcus Aurelius Antoninus; whereof the latter, who obscured his colleague, and survived him long, was named the philosopher; who, as he excelled all the rest in learning, so he excelled them likewise in perfection of all royal virtues; insomuch as Julianus the emperor, in his book, entitled "Cæsares," being as a pasquil or satire to deride all his predecessors, feigned, that they were all invited to a banquet of the gods, and Silenus the jester sat at the nether end of the table, and bestowed a scoff on every one as they came in; but when Marcus Philosophus came in, Silenus was gravelled, and out of countenance, not knowing where to carp at him, save at the last he gave a glance at his patience towards his wife. And the virtue of this prince, continued with that of his predecessor, made the name of Antonines so sacred in the world, that though it were extremely dishonoured in Commodus, Caracalla, and Heliogabalus, who all bore the name; yet when Alexander Severus refused the name, because he was a stranger to the family, the senate with one acclamation said, "Quo modo Augustus, sic et Antoninus." In such renown and veneration was the name of these two princes in those days, that they would have had it as a perpetual addition in all the emperors' styles. In this emperor's time also, the church for the most part was in peace; so as in this sequence of six princes, we do see the blessed effects of learning in sovereignty, painted forth in the greatest table of the world.

But for a tablet, or picture of smaller volume, not presuming to speak of your majesty that liveth, in my judgment, the most excellent is that of queen Elizabeth, your immediate predecessor in this part of Britain; a princess that if Plutarch were now alive to write lives by parallels, would trouble him, I think, to find for her a parallel amongst women. This lady was endued with learning in her sex singular, and rare even amongst masculine princes; whether we speak of learning of language, or of science, modern or ancient, divinity or humanity: and unto the very last year of her life, she was accustomed to appoint set hours for reading; scarcely any young student in an university, more daily, or more duly. As for her government, I assure myself I shall not exceed, if I do affirm, that this part of the island never had forty-five years of better times; and yet not through the calmness of the season, but through the wisdom of her regimen. For if there be considered, of the one side, the truth of religion established; the constant peace and security; the good administration of justice; the temperate use of the prerogative, not slackened, nor much strained; the flourishing state of learning, sortable to so excellent a patroness; the convenient estate of wealth and means, both of crown and subject; the habit of obedience, and the moderation of discontents; and there be considered, on the other side, the differences of religion, the troubles of neighbour countries, the ambition of Spain, and opposition of Rome; and then, that she was solitary, and of herself: these things, I say, considered; as I could not have chosen an instance so recent and so proper, so I suppose I could not have chosen one more remarkable, or eminent to the purpose now in hand, which is concerning the conjunction of learning in the prince with felicity in the people.

Neither hath learning an influence and operation only upon civil merit and moral virtue, and the arts or temperature of peace and peaceable government; but likewise it hath no less power and efficacy in enablement towards martial and military virtue and prowess; as may be notably represented in the examples of Alexander the Great, and Cæsar the dictator, mentioned before, but now in fit place to be resumed; of whose virtues and acts in war there needs no note or recital, having been the wonders of time in that kind: but of their affections towards learning, and perfections in learning, it is pertinent to say somewhat.

Alexander was bred and taught under Aristotle the great philosopher, who dedicated divers of his books of philosophy unto him; he was attended with Callisthenes, and divers other learned persons, that followed him in camp, throughout his journeys and conquests. What price and estimation he had learning in, doth notably appear in these three particulars: first in the envy he used to express that he bore towards Achilles, in this, that he had so good

a trumpet of his praises as Homer's verses: secondly, in the judgment or solution he gave touching that precious cabinet of Darius, which was found amongst his jewels, whereof question was made what thing was worthy to be put into it, and he gave his opinion for Homer's works: thirdly, in his letter to Aristotle, after he had set forth his books of nature, wherein he expostulateth with him for publishing the secrets or mysteries of philosophy, and gave him to understand that himself esteemed it more to excel other men in learning and knowledge, than in power and empire. And what use he had of learning doth appear, or rather shine, in all his speeches and answers, being full of science and use of science, and that in all variety.

And here again it may seem a thing scholastical, and somewhat idle, to recite things that every man knoweth; but yet, since the argument I handle leadeth me thereunto, I am glad that men shall perceive I am as willing to flatter, if they will so call it, an Alexander, or a Cæsar, or an Antoninus, that are dead many hundred years since, as any that now liveth: for it is the displaying of the glory of learning in sovereignty that I propound to myself, and not an humour of declaiming in any man's praises. Observe then the speech he used of Diogenes, and see if it tend not to the true state of one of the greatest questions of moral philosophy: whether the enjoying of outward things, or the contemning of them, be the greatest happiness: for when he saw Diogenes so perfectly contented with so little, he said to those that mocked at his condition; "Were I not Alexander, I would wish to be Diogenes." But Seneca inverteth it, and saith; "Plus erat, quod hic nollet accipere, quàm quod ille posset dare." "There were more things which Diogenes would have refused, than those were, which Alexander could have given or enjoyed."

Observe again that speech which was usual with him, "That he felt his mortality chiefly in two things, sleep and lust;" and see if it were not a speech extracted out of the depth of natural philosophy, and liker to have come out of the mouth of Aristotle, or Democritus, than from Alexander.

See again that speech of humanity and poesy; when upon the bleeding of his wounds, he called unto him one of his flatterers, that was wont to ascribe to him divine honour, and said, "Look, this is very blood; this is not such liquor as Homer speaketh of, which ran from Venus's hand, when it was pierced by Diomedes."

See likewise his readiness in reprehension of logic, in the speech he used to Cassander, upon a complaint that was made against his father Antipater: for when Alexander happened to say, "Do you think these men would have come from so far to complain, except they had just cause of grief?" And Cassander answered, "Yea, that was the matter, because they thought they should not be disproved." Said Alexander laughing: "See the subtilties of Aristotle, to take a matter both ways, pro et contra," etc.

But note again how well he could use the same art, which he reprehended, to serve his own humour, when bearing a secret grudge to Callisthenes, because he was against the new ceremony of his adoration: feasting one night, where the same Callisthenes was at the table, it was moved by some, after supper, for entertainment sake, that Callisthenes, who was an eloquent man, might speak of some theme or purpose at his own choice: which Callisthenes did; choosing the praise of the Macedonian nation for his discourse, and performing the same with so good manner, as the hearers were much ravished: whereupon Alexander, nothing pleased, said, "It was easy to be eloquent upon so good a subject. "But," saith he, "turn your stile, and let us hear what you can say against us:" which Callisthenes presently undertook, and did with that sting and life, that Alexander interrupted him, and said, "The goodness of the cause made him eloquent before, and despite made him eloquent then again."

Consider farther, for tropes of rhetoric, that excellent use of a metaphor or translation, wherewith he taxed Antipater, who was an imperious and tyrannous governor: for when one of Antipater's friends commended him to Alexander for his moderation, that he did not degenerate, as his other lieutenants did, into the Persian pride in use of purple, but kept the ancient habit of Macedon, of black: "True," saith Alexander, "but Antipater is all purple within." Or that other, when Parmenio came to him in the plain of Arbela, and showed him the innumerable multitude of his enemies, especially as they appeared by the infinite number of lights, as it had been a new firmament of stars, and thereupon advised him to assail them by night: whereupon he answered, "That he would not steal the victory."

For matter of policy, weigh that significant distinction, so much in all ages embraced, that he made between his two friends, Hephæstion and Craterus, when he said, "That the one loved Alexander, and the other loved the king:" describing the principal difference of princes' best servants, that some in affection love their person, and others in duty love their crown.

Weigh also that excellent taxation of an error ordinary with counsellors of princes, that they counsel their masters according to the model of their own mind and fortune, and not of their masters; when, upon Darius's great offers, Parmenio had said, "Surely I would accept these offers, were I as Alexander;" saith Alexander, "So would I, were I as Parmenio."

Lastly, weigh that quick and acute reply, which he made when he gave so large gifts to his friends and servants, and was asked what he did reserve for himself, and he answered, "Hope:" weigh, I say, whether he had not cast up his account right, because hope must be the portion of all that resolve upon great enterprises. For this was Cæsar's portion when he went first into Gaul, his estate being then utterly overthrown with largesses. And this was likewise the portion of that noble prince, howsoever transported with ambition, Henry duke of Guise, of whom it was usually said, that he was the greatest usurer in France, because he had turned all his estate into obligations.

To conclude therefore: as certain critics are used to say hyperbolically, "That if all sciences were lost, they might be found in Virgil;" so certainly this may be said truly, there are the prints and footsteps of all learning in those few speeches which are reported of this prince: the admiration of whom, when I consider him not as Alexander the Great, but as Aristotle's scholar, hath carried me too far.

As for Julius Cæsar, the excellency of his learning needeth not to be argued from his education, or his company, or his speeches; but in a farther degree doth declare itself in his writings and works; whereof some are extant and permanent, and some unfortunately perished. For, first, we see, there is left unto us that excellent history of his own wars, which he entitled only a commentary, wherein all succeeding times have admired the solid weight of matter, and the real passages, and lively images of actions and persons, expressed in the greatest propriety of words and perspicuity of narration that ever was; which that it was not the effect of a natural gift, but of learning and precept, is well witnessed by that work of his, entitled "De Analogiâ," being a grammatical philosophy, wherein he did labour to make this same vox ad placitum to become vox ad licitum, and to reduce custom of speech to congruity of speech; and took, as it were, the picture of words from the life of reason.

So we receive from him, as a monument both of his power and learning, the then reformed computation of the year; well expressing that he took it to be as great a glory to himself to observe and know the law of the heavens, as to give law to men upon the earth.

So likewise in that book of his, "Anti-Cato," it may easily appear that he did aspire as well to victory of wit as victory of war; undertaking therein a conflict against the greatest champion with the pen that then lived, Cicero the orator.

So again in his book of "Apophthegms," which he collected, we see that he esteemed it more honour to make himself but a pair of tables, to take the wise and pithy words of others, than to have every word of his own to be made an apophthegm, or an oracle; as vain princes, by custom of flattery, pretend to do. And yet if I should enumerate divers of his speeches, as I did those of Alexander, they are truly such as Solomon noteth, when he saith, "Verba sapientum tanquam aculei, et tanquam clavi in altum defixi:" whereof I will only recite three, not so delectable for elegancy, but admirable for vigour and efficacy.

As, first, it is reason he be thought a master of words, that could with one word appease a mutiny in his army, which was thus: The Romans, when their generals did speak to their army, did use the word Milites, but when the magistrates spake to the people, they did use the word Quirites. The soldiers were in tumult, and seditiously prayed to be cashiered; not that they so meant, but by expostulation thereof to draw Cæsar to other conditions; wherein he being resolute not to give away, after some silence, he began his speech, "Ego, Quirites:" which did admit them already cashiered; wherewith they were so surprised, crossed, and confused, as they would not suffer him to go on in his speech, but relinquished their demands, and made it their suit, to be again called by the name of "Milites."

The second speech was thus: Cæsar did extremely affect the name of king; and some were set on, as he passed by, in popular acclamation to salute him king; whereupon, finding the cry weak and poor, he put it off thus, in a kind of jest, as if they had mistaken his surname; "Non rex sum, sed Cæsar;" a speech, that if it be searched, the life and fulness of it can scarce be expressed: for, first, it was a refusal of the name, but yet not serious: again, it did signify an infinite confidence and magnanimity, as if he presumed Cæsar was the greater title, as by his worthiness it is come to pass till this day: but chiefly, it was a speech of great allurement toward his own purpose; as if the state did strive with him but for a name, whereof mean families were vested; for Rex was a surname with the Romans, as well as King is with us.

The last speech which I will mention, was used to Metellus; when Cæsar, after war declared, did possess himself of the city of Rome, at which time entering into the inner treasury to take the money there accumulated, Metellus, being tribune, forbad him: whereto Cæsar said, "That if he did not desist, he would lay him dead in the place." And presently taking himself up, he added, "Adolescens, durius est mihi hoc dicere, quàm facere, Young man, it is harder for me to speak it, than to do it." A speech compounded of the greatest terror and greatest clemency that could proceed out of the mouth of man.

But to return, and conclude with him: it is evident, himself knew well his own perfection in learning, and took it upon him; as appeared, when, upon occasion that some spake, what a strange resolution it was in Lucius Sylla to resign his dictature; he scoffing at him, to his own advantage, answered, "That Sylla could not skill of letters, and therefore knew not how to dictate."

And here it were fit to leave this point, touching the concurrence of military virtue and learning, for what example would come with any grace, after those two of Alexander and Cæsar? were it not in regard of the rareness of circumstance, that I find in one other particular, as that which did so suddenly pass from extreme scorn to extreme wonder; and it is of Xenophon the philosopher, who went from Socrates's school into Asia, in the expedition of Cyrus the younger, against king Artaxerxes. This Xenophon at that time was very young, and never had seen the wars before; neither had any command in the army, but only followed the war as a voluntary, for the love and conversation of Proxenus his friend. He was present when Falinus came in message from the great king to the Grecians, after that Cyrus was slain in the field, and they a handful of men left to themselves in the midst of the king's territories, cut off from their country by many navigable rivers, and many hundred miles. The message imported that they should deliver up

their arms, and submit themselves to the king's mercy. To which message before answer was made, divers of the army conferred familiarly with Falinus: and amongst the rest Xenophon happened to say, "Why, Falinus, we have now but these two things left, our arms and our virtue; and if we yield up our arms, how shall we make use of our virtue?" Whereto Falinus, smiling on him, said, "If I be not deceived, young gentleman, you are an Athenian, and, I believe, you study philosophy, and it is pretty that you say; but you are much abused, if you think your virtue can withstand the king's power." Here was the scorn: the wonder followed; which was, that this young scholar, or philosopher, after all the captains were murdered in parley by treason, conducted those ten thousand foot, through the heart of all the king's high countries, from Babylon to Græcia in safety, in despite of all the king's forces, to the astonishment of the world, and the encouragement of the Grecians in time succeeding to make invasion upon the kings of Persia; as was after purposed by Jason the Thessalian, attempted by Agesilaus the Spartan, and achieved by Alexander the Macedonian, all upon the ground of the act of that young scholar.

To proceed now from imperial and military virtue to moral and private virtue: first, it is an assured truth, which is contained in the verses;

> "Scilicet ingenuas didicisse fideliter artes,
> Emollit mores, nec sinit esse feros."

It taketh away the wildness, and barbarism, and fierceness of men's minds: but indeed the accent had need be upon fideliter: for a little superficial learning doth rather work a contrary effect. It taketh away all levity, temerity, and insolency, by copious suggestion of all doubts and difficulties, and acquainting the mind to balance reasons on both sides, and to turn back the first offers and conceits of the mind, and to accept of nothing but examined and tried. It taketh away vain admiration of any thing, which is the root of all weakness: for all things are admired, either because they are new, or because they are great. For novelty, no man that wadeth in learning or contemplation throughly, but will find that printed in his heart, "Nil novi super terram." Neither can any man marvel at the play of puppets, that goeth behind the curtain, and adviseth well of the motion. And for magnitude, as Alexander the Great, after he was used to great armies, and the conquests of the spacious provinces in Asia, when he received letters out of Greece, of some fights and services there, which were commonly for a passage, or a fort, or some walled town at the most, he said, "It seemed to him, that he was advertised of the battle of the frogs and the mice, that the old tales went of." So certainly, if a man meditate upon the universal frame of nature, the earth, with men upon it, the divineness of souls excepted, will not seem much other than an ant-hill, where some ants carry corn, and some carry their young, and some go empty, and all to and fro a little heap of dust. It taketh away or mitigateth fear of death, or adverse fortune; which is one of the greatest impediments of virtue, and imperfections of manners. For if a man's min be deeply seasoned with the consideration of th mortality and corruptible nature of things, he wi easily concur with Epictetus, who went forth on day, and saw a woman weeping for her pitcher earth that was broken; and went forth the next da and saw a woman weeping for her son that wa dead; and thereupon said, "Heri vidi fragilem frangi, hodie vidi mortalem mori." And therefor did Virgil excellently and profoundly couple th knowledge of causes, and the conquest of all fea together, as concomitantia:

> "Felix, qui potuit rerum cognoscere causas,
> Quique metus omnes, et inexorabile fatum
> Subjecit pedibus, strepitumque Acherontis avari."

It were too long to go over the particular rem dies which learning doth minister to all the diseas of the mind, sometimes purging the ill humour sometimes opening the obstructions, sometimes hel ing digestion, sometimes increasing appetite, som times healing the wounds and exulcerations there and the like; and therefore I will conclude wit that which hath "rationem totius," which is, th it disposeth the constitution of the mind not to b fixed or settled in the defects thereof, but still to b capable and susceptible of growth and reformatio For the unlearned man knows not what it is to d scend into himself, or to call himself to accoun nor the pleasure of that "suavissima vita, indi sentire se fieri meliorem." The good parts he hat he will learn to show to the full, and use them de terously, but not much to increase them: the faul he hath, he will learn how to hide and colour them, b not much to amend them: like an ill mower, th mows on still, and never whets his scythe. Where with the learned man it fares otherwise, that he do ever intermix the correction and amendment of h mind, with the use and employment thereof. Na farther, in general and in sum, certain it is, th *veritas* and *bonitas* differ but as the seal and t print: for truth prints goodness; and they be t clouds of error, which descend in the storms passions and perturbations.

From moral virtue let us pass on to matter power and commandment, and consider whether right reason there be any comparable with th wherewith knowledge investeth and crowneth man nature. We see the dignity of the commandment according to the dignity of the commanded: to ha commandment over beasts, as herdmen have, is thing contemptible; to have commandment ov children, as schoolmasters have, is a matter of sm honour; to have commandment over galley-slave is a disparagement, rather than an honour. Neith is the commandment of tyrants much better, ov people which have put off the generosity of th minds: and therefore it was ever holden, th honours in free monarchies and commonwealths h a sweetness more than in tyrannies, because t commandment extendeth more over the wills of me and not only over their deeds and services. A therefore when Virgil putteth himself forth to att bute to Augustus Cæsar the best of human honou he doth it in these words:

——————" victorque volentes
Per populos dat jura, viamque affectat Olympo."

But the commandment of knowledge is yet higher than the commandment over the will; for it is a commandment over the reason, belief, and understanding of man, which is the highest part of the mind, and giveth law to the will itself: for there is no power on earth, which setteth up a throne, or chair of state, in the spirits and souls of men, and in their cogitations, imaginations, opinions, and beliefs, but knowledge and learning. And therefore we see the detestable and extreme pleasure that arch-heretics and false prophets are transported with, when they once find in themselves that they have a superiority in the faith and conscience of men; so great, as, if they have once tasted of it, it is seldom seen that any torture or persecution can make them relinquish or abandon it. But as this is that which the author of the "Revelation" calleth "the depth," or profoundness, "of Satan;" so, by argument of contraries, the just and lawful sovereignty over men's understanding, by force of truth rightly interpreted, is that which approacheth nearest to the similitude of the divine rule.

As for fortune and advancement, the beneficence of learning is not so confined to give fortune only to states and commonwealths, as it doth not likewise give fortune to particular persons. For it was well noted long ago, that Homer hath given more men their livings, than either Sylla, or Cæsar, or Augustus ever did, notwithstanding their great largesses and donatives, and distributions of lands to so many legions; and no doubt it is hard to say, whether arms or learning have advanced greater numbers. And in case of sovereignty we see, that if arms or descent have carried away the kingdom, yet learning hath carried the priesthood, which ever hath been in some competition with empire.

Again, for the pleasure and delight of knowledge and learning, it far surpasseth all other in nature: for shall the pleasures of the affections so exceed the pleasures of the senses, as much as the obtaining of desire or victory exceedeth a song or a dinner? and must not, of consequence, the pleasures of the intellect, or understanding, exceed the pleasures of the affections? We see in all pleasures there is a satiety, and after they be used, their verdure departeth; which showeth well they be but deceits of pleasure, and not pleasures; and that it was the novelty which pleased, and not the quality; and therefore we see that voluptuous men turn friars, and ambitious princes turn melancholy. But of knowledge there is no satiety, but satisfaction and appetite are perpetually interchangeable; and therefore appeareth to be good in itself simply, without fallacy or accident. Neither is that pleasure of small efficacy and contentment to the mind of man, which the poet Lucretius describeth elegantly:

"Suave mari magno, turbantibus æquora ventis, etc."

"It is a view of delight, saith he, to stand or walk upon the shore side, and to see a ship tossed with tempest upon the sea; or to be in a fortified tower, and to see two battles join upon a plain; but it is a pleasure incomparable for the mind of man to be settled, landed, and fortified in the certainty of truth, and from thence to descry and behold the errors, perturbations, labours, and wanderings up and down, of other men."

Lastly, leaving the vulgar arguments that by learning man excelleth man in that wherein man excelleth beasts; that by learning man ascendeth to the heavens and their motions, where in body he cannot come, and the like; let us conclude with the dignity and excellency of knowledge and learning in that whereunto man's nature doth most aspire, which is, immortality or continuance: for to this tendeth generation, and raising of houses and families; to this tend buildings, foundations, and monuments; to this tendeth the desire of memory, fame, and celebration, and in effect the strength of all other human desires. We see then how far the monuments of wit and learning are more durable than the monuments of power, or of the hands. For have not the verses of Homer continued twenty-five hundred years, or more, without the loss of a syllable or letter; during which time, infinite palaces, temples, castles, cities, have been decayed and demolished? It is not possible to have the true pictures or statues of Cyrus, Alexander, Cæsar; no, nor of the kings or great personages of much later years; for the originals cannot last, and the copies cannot but lose of the life and truth. But the images of men's wits and knowledges remain in books, exempted from the wrong of time, and capable of perpetual renovation. Neither are they fitly to be called images, because they generate still, and cast their seeds in the minds of others, provoking and causing infinite actions and opinions in succeeding ages: so that if the invention of the ship was thought so noble, which carrieth riches and commodities from place to place, and consociateth the most remote regions in participation of their fruits; how much more are letters to be magnified, which, as ships, pass through the vast seas of time, and make ages so distant to participate of the wisdom, illuminations, and inventions, the one of the other! Nay farther, we see, some of the philosophers which were least divine, and most immersed in the senses, and denied generally the immortality of the soul; yet came to this point, that whatsoever motions the spirit of man could act and perform without the organs of the body, they thought might remain after death, which were only those of the understanding, and not of the affections; so immortal and incorruptible a thing did knowledge seem unto them to be. But we, that know by Divine revelation, that not only the understanding, but the affections purified; not only the spirit, but the body changed, shall be advanced to immortality, do disclaim these rudiments of the senses. But it must be remembered both in this last point, and so it may likewise be needful in other places, that in probation of the dignity of knowledge or learning, I did in the beginning separate divine testimony from human, which method I have pursued, and so handled them both apart.

Nevertheless I do not pretend, and I know it will

be impossible for me, by any pleading of mine, to reverse the judgment, either of Æsop's cock, that preferred the barley-corn before the gem; or of Midas, that being chosen judge between Apollo, president of the Muses, and Pan, god of the flocks, judged for plenty; or of Paris, that judged for beauty and love, against wisdom and power; or of Agrippina, "Occidat matrem, modo imperet," that preferred empire with any condition never so detestable or of Ulysses, "qui vetulam prætulit immortalitati," being a figure of those which prefer custom and habi before all excellence; or of a number of the lik popular judgments. For these things must continu as they have been; but so will that also continu whereupon learning hath ever relied, and whic faileth not: "Justificata est sapientia a filiis suis."

THE SECOND BOOK

OF

FRANCIS BACON,

OF THE

PROFICIENCE AND ADVANCEMENT OF LEARNING,

DIVINE AND HUMAN.

TO THE KING.

It might seem to have more convenience, though it come often otherwise to pass, excellent king, that those, which are fruitful in their generations, and have in themselves the foresight of immortality in their descendants, should likewise be more careful of the good estate of future times, unto which, they know, they must transmit and commend over their dearest pledges. Queen Elizabeth was a sojourner in the world, in respect of her unmarried life, and was a blessing to her own times; and yet so as the impression of her good government, besides her happy memory, is not without some effect which doth survive her. But to your majesty, whom God hath already blessed with so much royal issue, worthy to continue and represent you for ever: and whose youthful and fruitful bed doth yet promise many the like renovations; it is proper and agreeable to be conversant, not only in the transitory parts of good government, but in those acts also which are in their nature permanent and perpetual: amongst the which, if affection do not transport me, there is not any more worthy, than the farther endowment of the world with sound and faithful knowledge. For why should a few received authors stand up like Hercules's columns; beyond which there should be no sailing or discovering, since we have so bright and benign a star as your majesty, to conduct and prosper us? To return therefore where we left, it remaineth to consider of what kind those acts are, which have been undertaken and performed by kings and others, for the increase and advancement of learning, wherein I purpose to speal actively, without digressing or dilating.

Let this ground therefore be laid, that all work are overcome by amplitude of reward, by soundnes of direction, and by the conjunction of labours. Th first multiplieth endeavour, the second preventeth error, and the third supplieth the frailty of man; but the principal of these is direction: for "claudat in via antevertit cursorem extra viam;" and Solomon excellently setteth it down, "If the iron be not sharp, it requireth more strength; but wisdom is that which prevaileth:" signifying, that the invention or election of the mean is more effectual than any enforcement or accumulation of endeavours. This I am induced to speak, for that, not derogating from the noble intention of any that have been deservers towards the state of learning, I do observe, nevertheless, that their works and acts are rather matters of magnificence and memory, than of progression and proficience, and tend rather to augment the mass of learning, in the multitude of learned men, than to rectify or raise the sciences themselves.

The works or acts of merit towards learning are conversant about three objects: the places of learning, the books of learning, and the persons of the learned. For as water, whether it be the dew of heaven, or the springs of the earth, doth scatter and lose itself in the ground, except it be collected into some receptacle, where it may by union comfort and sustain itself; and for that cause the industry of

man hath made and framed spring-heads, conduits, cisterns, and pools, which men have accustomed likewise to beautify and adorn with accomplishments of magnificence and state, as well as of use and necessity; so this excellent liquor of knowledge, whether it descend from divine inspiration, or spring from human sense, would soon perish and vanish to oblivion, if it were not preserved in books, traditions, conferences, and places appointed; as universities, colleges, and schools, for the receipt and comforting of the same.

The works which concern the seats and places of learning are four: foundations and buildings, endowments with revenues, endowments with franchises and privileges, institutions and ordinances for government; all tending to quietness and privateness of life, and discharge of cares and troubles; much like the stations which Virgil prescribeth for the hiving of bees:

> "Principio sede apibus statioque petenda,
> Quo neque sit ventis aditus," etc.

The works touching books are two; first, libraries, which are as the shrines where all the relics of the ancient saints, full of true virtue, and that without delusion or imposture, are preserved and reposed: secondly, new editions of authors, with more correct impressions, more faithful translations, more profitable glosses, more diligent annotations, and the like.

The works pertaining to the persons of learned men, besides the advancement and countenancing of them in general, are two: the reward and designation of readers in sciences already extant and invented; and the reward and designation of writers and inquirers concerning any parts of learning not sufficiently laboured and prosecuted.

These are summarily the works and acts, wherein the merits of many excellent princes and other worthy personages have been conversant. As for any particular commemorations, I call to mind what Cicero said, when he gave general thanks; "Difficile non aliquem, ingratum quenquam præterire." Let us rather, according to the Scriptures, look unto the part of the race which is before us, than look back to that which is already attained.

First, therefore, among so many great foundations of colleges in Europe, I find it strange that they are all dedicated to professions, and none left free to arts and sciences at large. For if men judge that learning should be referred to action, they judge well; but in this they fall into the error described in the ancient fable, in which the other parts of the body did suppose the stomach had been idle, because it neither performed the office of motion, as the limbs do, nor of sense, as the head doth; but yet, notwithstanding, it is the stomach that digesteth and distributeth to all the rest: so if any man think philosophy and universality to be idle studies, he doth not consider that all professions are from thence served and supplied. And this I take to be a great cause that hath hindered the progression of learning, because these fundamental knowledges have been studied but in passage. For if you will have a tree bear more fruit than it hath used to do, it is not any thing you can do to the boughs, but it is the stirring of the earth, and putting new mould about the roots, that must work it. Neither is it to be forgotten, that this dedicating of foundations and donations to professory learning, hath not only had a malign aspect and influence upon the growth of sciences, but hath also been prejudicial to states and governments. For hence it proceedeth that princes find a solitude in regard of able men to serve them in causes of state, because there is no education collegiate which is free, where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of state.

And because founders of colleges do plant, and founders of lectures do water, it followeth well in order, to speak of the defect which is in public lectures; namely, in the smallness and meanness of the salary or reward, which in most places is assigned unto them; whether they be lectures of arts or of professions. For it is necessary to the progression of sciences, that readers be of the most able and sufficient men, as those which are ordained for generating and propagating of sciences, and not for transitory use. This cannot be, except their condition and endowment be such as may content the ablest man to appropriate his whole labour, and continue his whole age in that function and attendance, and therefore must have a proportion answerable to that mediocrity or competency of advancement, which may be expected from a profession, or the practice of a profession. So as, if you will have sciences flourish, you must observe David's military law, which was, "That those which staid with the carriage, should have equal part with those which were in the action;" else will the carriages be ill attended. So readers in sciences are indeed the guardians of the stores and provisions of sciences, whence men in active courses are furnished, and therefore ought to have equal entertainment with them; otherwise if the fathers in sciences be of the weakest sort, or be ill maintained,

> "Et patrum invalidi referent jejunia nati."

Another defect I note, wherein I shall need some alchemist to help me, who call upon men to sell their books, and to build furnaces, quitting and forsaking Minerva and the Muses as barren virgins, and relying upon Vulcan. But certain it is, that unto the deep, fruitful, and operative study of many sciences, especially natural philosophy and physic, books be not the only instrumentals wherein also the beneficence of men hath not been altogether wanting: for we see spheres, globes, astrolabes, maps, and the like, have been provided as appurtenances to astronomy and cosmography, as well as books; we see likewise, that some places instituted for physic have annexed the commodity of gardens for simples of all sorts, and do likewise command the use of dead bodies for anatomies. But these do respect but a few things. In general, there will hardly be any main proficience in the disclosing of

nature except there be some allowance for expenses about experiments; whether they be experiments appertaining to Vulcanus or Dædalus, furnace or engine, or any other kind; and therefore as secretaries and spials of princes and states bring in bills for intelligence, so you must allow the spials and intelligencers of nature to bring in their bills, or else you shall be ill advertised.

And if Alexander made such a liberal assignation to Aristotle of treasure for the allowance of hunters, fowlers, fishers, and the like, that he might compile a history of nature, much better do they deserve it that travail in arts of nature.

Another defect which I note, is an intermission or neglect, in those which are governors in universities, of consultation; and in princes, or superior persons, of visitation: to enter into account and consideration, whether the readings, exercises, and other customs, appertaining unto learning, anciently begun, and since continued, be well instituted or not, and thereupon to ground an amendment or reformation in that which shall be found inconvenient. For it is one of your majesty's own most wise and princely maxims, "That in all usages and precedents, the times be considered wherein they first began, which if they were weak or ignorant, it derogateth from the authority of the usage, and leaveth it for suspect." And therefore inasmuch as most of the usages and orders of the universities were derived from more obscure times, it is the more requisite they be re-examined. In this kind I will give an instance or two, for example sake, of things that are the most obvious and familiar: the one is a matter, which though it be ancient and general, yet I hold to be an error, which is, that scholars in universities come too soon and too unripe to logic and rhetoric, arts fitter for graduates than children and novices; for these two, rightly taken, are the gravest of sciences, being the arts of arts, the one for judgment, the other for ornament. And they be the rules and directions how to set forth and dispose matter; and therefore for minds empty and unfraught with matter, and which have not gathered that which Cicero calleth sylva and supellex, stuff and variety, to begin with those arts, as if one should learn to weigh, or to measure, or to paint the wind, doth work but this effect, that the wisdom of those arts, which is great and universal, is almost made contemptible, and is degenerate into childish sophistry and ridiculous affectation. And further, the untimely learning of them hath drawn on, by consequence, the superficial and unprofitable teaching and writing of them, as fitteth indeed to the capacity of children. Another, is a lack I find in the exercises used in the universities, which do make too great a divorce between invention and memory; for their speeches are either premeditate in verbis conceptis, where nothing is left to invention; or merely extemporal, where little is left to memory; whereas in life and action there is least use of either of these, but rather of intermixtures of premeditation and invention, notes and memory; so as the exercise fitteth not the practice, nor the image the life; and it is ever a true rule in exercises, that they be framed as near as may be to the life of practice, for otherwise they do pervert the motions and faculties of the mind, and not prepare them. The truth whereof is not obscure, when scholars come to the practices of professions, or other actions of civil life, which when they set into, this want is soon found by themselves, and sooner by others. But this part, touching the amendment of the institutions and orders of universities, I will conclude with the clause of Cæsar's letter to Oppius and Balbus, "Hoc quemadmodum fieri possit, nonnulla mihi in mentem veniunt, et multa reperiri possunt: de iis rebus rogo vos, ut cogitationem suscipiatis."

Another defect, which I note, ascendeth a little higher than the preceding; for as the proficience of learning consisteth much in the orders and institutions of universities in the same states and kingdoms, so it would be yet more advanced, if there were more intelligence mutual between the universities of Europe than now there is. We see there be many orders and foundations, which though they be divided under several sovereignties and territories, yet they take themselves to have a kind of contract, fraternity, and correspondence one with another, insomuch as they have provincials and generals. And surely as nature createth brotherhood in families, and arts mechanical contract brotherhoods in commonalties, and the anointment of God superinduceth a brotherhood in kings and bishops; so in like manner there cannot but be a fraternity in learning and illumination, relating to that paternity which is attributed to God, who is called the Father of illuminations or lights.

The last defect which I will note is, that there hath not been, or very rarely been, any public designation of writers or inquirers concerning such parts of knowledge, as may appear not to have been already sufficiently laboured or undertaken: unto which point it is an inducement to enter into a view and examination what parts of learning have been prosecuted, and what omitted: for the opinion of plenty is amongst the causes of want, and the great quantity of books maketh a show rather of superfluity than lack; which surcharge, nevertheless, is not to be remedied by making no more books, but by making more good books, which, as the serpent of Moses, might devour the serpents of the enchanters.

The removing of all the defects formerly enumerated, except the last, and of the active part also of the last, which is the designation of writers, are opera basilica; towards which the endeavours of a private man may be but as an image in a cross-way, that may point at the way, but cannot go it. But the inducing part of the latter, which is the survey of learning, may be set forward by private travel: wherefore I will attempt to make a general and faithful perambulation of learning, with an inquiry what parts thereof lie fresh and waste, and not improved and converted by the industry of man; to the end that such a plot, made and recorded to memory, may both minister light to any public designation, and also serve to excite voluntary endeavours: wherein, nevertheless, my purpose is at this time to note only omissions and deficiencies, and not to make

any redargution of errors, or incomplete prosecutions: for it is one thing to set forth what ground lieth unmanured, and another thing to correct ill husbandry in that which is manured.

In the handling and undertaking of which work I am not ignorant what it is that I do now move and attempt, nor insensible of mine own weakness to sustain my purpose; but my hope is, that if my extreme love to learning carry me too far, I may obtain the excuse of affection; for that "it is not granted to man to love and to be wise." But, I know well, I can use no other liberty of judgment than I must leave to others; and I, for my part, shall be indifferently glad either to perform myself, or accept from another, that duty of humanity "Nam qui erranti comiter monstrat viam," etc. I do foresee likewise, that of those things which I shall enter and register, as deficiencies and omissions, many will conceive and censure, that some of them are already done and extant; others to be but curiosities, and things of no great use; and others to be of too great difficulty, and almost impossibility to be compassed and effected: but for the two first, I refer myself to the particulars; for the last, touching impossibility, I take it, those things are to be held possible, which may be done by some person, though not by every one; and which may be done by many though not by any one; and which may be done in succession of ages, though not within the hour-glass of one man's life; and which may be done by public designation, though not by private endeavour.

But, notwithstanding, if any man will take to himself rather that of Solomon, "Dicit piger, Leo est in via," than that of Virgil, "Possunt quia posse videntur:" I shall be content that my labours be esteemed but as the better sort of wishes; for as it asketh some knowledge to demand a question not impertinent, so it requireth some sense to make a wish not absurd.

The parts of human learning have reference to the three parts of man's Understanding, which is the seat of learning: History to his Memory, Poesy to his Imagination, and Philosophy to his Reason. Divine learning receiveth the same distribution, for the spirit of man is the same, though the revelation of oracle and sense be diverse: so as theology consisteth also of history of the church; of parables, which is divine poesy, and of holy doctrine or precept: for as for that part which seemeth supernumerary, which is prophecy, it is but divine history; which hath that prerogative over human, as the narration may be before the fact, as well as after.

THE GENERAL DISTRIBUTION OF HUMAN KNOWLEDGE.

MEMORY.

- HISTORY.
  - Natural.
    - Narrative.
    - Inductive.
      - History of Generations.
        - History of the celestial Bodies.
        - History of Meteors.
        - History of the Earth and Sea.
        - History of the Elements, or greater Assemblages of matter.
        - History of the Species of Bodies, or smaller Assemblages.
      - History of Præter-generations.
      - History of Arts.
  - Civil.
    - Ecclesiastical.
      - The general History of the Church.
      - The History of Prophecy.
      - The History of Providence.
    - Literary.
    - Particular Civil History.
      - 1.
        - Memoirs.
          - Commentaries.
          - Registers.
        - Just History.
          - Chronicles.
            - 1.
              - General.
              - Particular.
            - 2.
              - Annals.
              - Journals.
          - Lives.
          - Narrations or Relations.
        - Antiquities.
      - 2.
        - Pure.
        - Mixed.
  - Appendages to History.
    - Speeches.
    - Letters.
    - Apophthegms.

IMAGINATION.

- POETRY.
  - Narrative.
  - Dramatic.
  - Allegorical.

REASON.

INSPIRED THEOLOGY, or DIVINITY. Its Division left to Divines.

Three Appendages to Inspired Theology.
- The true Use of Human Reason in Theology.
- A Discourse upon the Degrees of Unity in the City of God.
- The first Flowings of the Scriptures.

PHILOSOPHY.

- DIVINE PHILOSOPHY, OR NATURAL THEOLOGY.
- Appendage both to Inspired and Natural Theology.—The Science of Spirits.
- NATURAL PHILOSOPHY.
  - PRIMARY PHILOSOPHY.....
    - The common Axioms of all Sciences.
    - The Transcendental Condition of Things.
  - SPECULATIVE.
    - Particular Physics.....
      - The Doctrine of the Principles of Things.
      - The Doctrine of the Formation of Things.
      - The Doctrine of the Variety of Things.....
        - Concrete Physics; *divided as* Nat. History.
        - Abstract Physics .....
          - The Schemes of Matter.
          - Appetites and Motions.
    - Appendages to Physics.....
      - The Measure of Motions.
      - Natural Problems.
      - The Opinions of the ancient Philosophers.
    - Metaphysics .....
      - The Investigation of Forms.
      - The Doctrine of final Causes.
  - PRACT.
    - Mechanics
    - Natural Magic
    - Appendages to Practical Philosophy.
      - An Inventory of Human Knowledge.
      - A Calendar of leading Experiments.
  - Appendage to Speculative and Practical Philosophy.—Mathematics.....
    - Pure
      - Geometry.
      - Arithmetic.—Algebra.
    - Mixed.
      - Perspective.
      - Music.
      - Astronomy.
      - Cosmography.
      - Architecture.
      - Enginery.
- THE GENERAL SCIENCE OF THE NATURE AND STATE OF MAN.
  - The Doctrine of the human Person.
    - The Miseries of Mankind.
    - The Prerogatives of Mankind.
  - The Doctrine of Union.
    - Notices of Indication.....
      - Physiognomy.
      - Interpretation of Dreams.
    - Impression.
  - THE DOCTRINE OF THE HUMAN BODY.
    - Medicine.....
      - Preservation of Health.
      - Cure of Diseases.
      - Prolongation of Life.
    - Cosmetics .....
      - Civil.
      - Effeminate.
    - Athletics .....
      - Arts of Activity.
      - Arts of Endurance.
    - Arts of Elegance.....
      - Painting.
      - Music, &c.
  - The Doctrine of the Inspired Substance.
  - The Doctrine of the Sensitive Soul.....
    - The Doctrine of voluntary Motion.
    - The Doctrine of Sense and Sensibility.
  - The Doctrine of the Substance and Faculties of the Soul.
  - Two Appendages to this Doctrine.....
    - Divination.

- HUMAN PHILOSOPHY.
  - HUMAN DOCTRINE.
    - THE DOCTRINE OF THE HUMAN SOUL.
      - The Doctrine of the Use and Objects of the Faculties.
        - LOGICS.
          - Art of Invention.
            - The Invention of Arts .....
              - The Process from Experiment to Experiment, or Learned Experience.
              - The Process from Experiments to Axioms, or the Art of Induction.
            - The Invention of Arguments.
              - Promptuary.
              - Topical .....
                - General.
                - Particular.
          - Art of Judging.
            - Judgment by Induction.
              - 1.
                - Reduction direct.
                - Reduction inverse.
            - Judgment by Syllogism.
              - 2.
                - Analytics.
                - Doctrine of Confutations.....
                  - Confutation of Sophisms.
                  - Confutation of Interpretation.
                  - Confutation of Idols or false Notions.
          - Appendix to the Art of Judging.—The Assignation of Demonstrations according to the Nature of the Subject.
          - Art of Custody....
            - The Doctrine of Helps for the Memory.
            - The Doctrine of the Memory itself .....
              - Prenotion.
              - Emblem.
          - Doctrine of Tradition.
            - The Doctrine of the Organ of Speech, or Literary Grammar.
              - The Doctrine of the Marks of Things.....
                - Hieroglyphics and Gestures.
                - Real Characters.
                - Alphabet.
                - Cypher. Decyphering.
              - Art of Speaking.—Sound. Measure. Accent.
              - Art of Writing .....
            - Philosophical Grammar.
            - Method of Speech, or Doctrine of traditive Prudence .....
              - Doctrinal and initiative.
              - Open and concealed.
              - Aphoristical and regular.
              - Question and Answer.
              - Method of conquering Prejudice.
            - Method has two Parts....
              - The Disposition of a whole Work.
              - The Limitation of Propositions.
            - The Doctrine of the Illustration of Speech, or Rhetoric.
            - Three Appendages to this Doctrine.
              - A Collection of Sophisms.
              - A Collection of studied Antithets.
              - A Collection of lesser Forms of Speech.
          - Two Appendages to the Doctrine of Tradition.
            - The Art of Criticism.
            - School Learning.
        - ETHICS.
          - The Exemplar of Good...
            - Simple .....
              - Individual or Self Good.....
                - Active.
                - Passive .....
                - Conservative.
                - Perfective.
            - Compound.
              - Good of Communion .....
                - Duties of Man in common.
                - Respective Duties.
          - The Cultivation of the Mind ...
            - The Doctrine of Men's Natures and Dispositions.
            - The Inquiry into the Affections.
            - The Doctrine of Remedies.
          - Appendix to the Cultivation of the Mind.—The Relation between the Good of the Mind and the Good of the Body.
  - CIVIL KNOWLEDGE.
    - Prudence in Conversation.
    - Prudence in Business .....
      - The Doctrine of various Occasions.
      - The Doctrine of rising in Life.
    - Prudence in Government ...
      - The Doctrine of enlarging the Bounds of Empire.
      - The Doctrine of universal Justice.

Historia literarum.

History is *Natural, Civil, Ecclesiastical,* and *Literary;* whereof the three first I allow as extant, the fourth I note as deficient. For no man hath propounded to himself the general state of learning to be described and represented from age to age, as many have done the works of nature, and the state civil and ecclesiastical; without which the history of the world seemeth to me to be as the statue of Polyphemus with his eye out, that part being wanting which doth most show the spirit and life of the person: and yet I am not ignorant, that in divers particular sciences, as of the jurisconsults, the mathematicians, the rhetoricians, the philosophers, there are set down some small memorials of the schools, authors, and books; and so likewise some barren relations touching the inventions of arts or usages.

But a just story of learning, containing the antiquities and originals of knowledges and their sects, their inventions, their traditions, their diverse administrations and managings, their flourishings, their oppositions, decays, depressions, oblivions, removes, with the causes and occasions of them, and all other events concerning learning, throughout the ages of the world, I may truly affirm to be wanting.

The use and end of which work, I do not so much design for curiosity, or satisfaction of those that are the lovers of learning, but chiefly for a more serious and grave purpose, which is this in few words, that it will make learned men wise in the use and administration of learning. For it is not St. Augustine's nor St. Ambrose's works that will make so wise a divine, as ecclesiastical history throughly read and observed; and the same reason is of learning.

History of *Nature* is of three sorts; of nature in course, of nature erring or varying, and of nature altered or wrought; that is, history of creatures, history of marvels, and history of arts.

The first of these, no doubt, is extant, and that in good perfection; the two latter are handled so weakly and unprofitably, as I am moved to note them as deficient.

Historia naturæ errantis.

For I find no sufficient or competent collection of the works of nature, which have a digression and deflexion from the ordinary course of generations, productions, and motions, whether they be singularities of place and region, or the strange events of time and chance, or the effects of yet unknown properties, or the instances of exception to general kinds: it is true, I find a number of books of fabulous experiments and secrets, and frivolous impostures for pleasure and strangeness: but a substantial and severe collection of the heteroclites, or irregulars of nature, well examined and described, I find not, especially not with due rejection of fables, and popular errors: for as things now are, if an untruth in nature be once on foot, what by reason of the neglect of examination and countenance of antiquity, and what by reason of the use of the opinion in similitudes and ornaments of speech, it is never called down.

The use of this work, honoured with a precedent in Aristotle, is nothing less than to give contentment to the appetite of curious and vain wits, as the manner of mirabilaries is to do; but for two reasons, both of great weight: the one to correct the partiality of axioms and opinions, which are commonly framed only upon common and familiar examples; the other, because from the wonders of nature is the nearest intelligence and passage towards the wonders of art: for it is no more, but by following, and as it were hounding nature in her wanderings, to be able to lead her afterwards to the same place again.

Neither am I of opinion, in this history of marvels, that superstitious narrations of sorceries, witchcrafts, dreams, divinations, and the like, where there is an assurance and clear evidence of the fact, be altogether excluded. For it is not yet known in what cases, and how far, effects attributed to superstition do participate of natural causes: and therefore howsoever the practice of such things is to be condemned, yet from the speculation and consideration of them light may be taken, not only for the discerning of the offences, but for the farther disclosing of nature. Neither ought a man to make scruple of entering into these things for inquisition of truth, as your majesty hath shown in your own example; who with the two clear eyes of religion and natural philosophy have looked deeply and wisely into these shadows, and yet proved yourself to be of the nature of the sun, which passeth through pollutions, and itself remains as pure as before.

But this I hold fit, that these narrations, which have mixture with superstition, be sorted by themselves, and not be mingled with the narrations, which are merely and sincerely natural.

But as for the narrations touching the prodigies and miracles of religions, they are either not true, or not natural; and therefore impertinent for the story of nature.

Historia mechanica.

For history of nature wrought, or mechanical, I find some collections made of agriculture, and likewise of manual arts, but commonly with a rejection of experiments familiar and vulgar.

For it is esteemed a kind of dishonour unto learning, to descend to inquiry or meditation upon matters mechanical, except they be such as may be thought secrets, rarities, and special subtilties which humour of vain and supercilious arrogance is justly derided in Plato; where he brings in Hippias, a vaunting sophist, disputing with Socrates, a true and unfeigned inquisitor of truth; where the subject being touching beauty, Socrates, after his wandering manner of inductions, put first an example of a fair virgin, and then of a fair horse, and then of a fair pot well glazed, whereat Hippias was offended; and said, "More than for courtesy's sake, he did not think much to dispute with an that did allege such base and sordid instances: whereunto Socrates answered, "You have reason and it becomes you well, being a man so trim in your vestments," &c. And so goeth on in an irony.

But the truth is, they be not the highest instances that give the securest information; as may be well expressed in the tale so common of the philosopher

that while he gazed upwards to the stars fell into the water; for if he had looked down he might have seen the stars in the water, but looking aloft, he could not see the water in the stars. So it cometh often to pass, that mean and small things discover great, better than great can discover the small; and therefore Aristotle noteth well, "that the nature of every thing is best seen in his smallest portions." And for that cause he inquireth the nature of a commonwealth, first in a family, and the simple conjugations of man and wife, parent and child, master and servant, which are in every cottage. Even so likewise the nature of this great city of the world, and the policy thereof, must be first sought in mean concordances and small portions. So we see how that secret of nature, of the turning of iron, touched with the loadstone, towards the north, was found out in needles of iron, not in bars of iron.

But if my judgment be of any weight, the use of History Mechanical is, of all others, the most radical and fundamental towards natural philosophy; such natural philosophy as shall not vanish in the fume of subtile, sublime, or delectable speculation, but such as shall be operative to the endowment and benefit of man's life: for it will not only minister and suggest for the present many ingenious practices in all trades, by a connexion and transferring of the observations of one art to the use of another, when the experiences of several mysteries shall fall under the consideration of one man's mind; but farther, it will give a more true and real illumination concerning causes and axioms than is hitherto attained.

For like as a man's disposition is never well known till he be crossed, nor Proteus ever changed shapes till he was straitened and held fast; so the passages and variations of nature cannot appear so fully in the liberty of nature, as in the trials and vexations of art.

For *Civil History*, it is of three kinds, not unfitly to be compared with the three kinds of pictures or images: for of pictures or images, we see, some are unfinished, some are perfect, and some are defaced. So of histories we may find three kinds, Memorials, Perfect Histories, and Antiquities; for memorials are history unfinished, or the first or rough draughts of history; and antiquities are history defaced, or some remnants of history which have casually escaped the shipwreck of time.

Memorials, or preparatory history, are of two sorts, whereof the one may be termed Commentaries, and the other Registers. Commentaries are they which set down a continuance of the naked events and actions, without the motives or designs, the counsels, the speeches, the pretexts, the occasions, and other passages of action: for this is the true nature of a Commentary, though Cæsar, in modesty mixed with greatness, did for his pleasure apply the name of a Commentary to the best history of the world. Registers are collections of public acts, as decrees of council, judicial proceedings, declarations and letters of state, orations, and the like, without a perfect continuance or contexture of the thread of the narration.

Antiquities, or remnants of history, are, as was said, tanquam tabula naufragii, when industrious persons, by an exact and scrupulous diligence and observation, out of monuments, names, words, proverbs, traditions, private records and evidences, fragments of stories, passages of books that concern not story, and the like, do save and recover somewhat from the deluge of time.

In these kinds of imperfect histories I do assign no deficience, for they are tanquam imperfectæ mista, and therefore any deficience in them is but their nature.

As for the corruptions and moths of history, which are Epitomes, the use of them deserveth to be banished, as all men of sound judgment have confessed, as those that have fretted and corroded the sound bodies of many excellent histories, and wrought them into base and unprofitable dregs.

History, which may be called *Just* and *Perfect History*, is of three kinds, according to the object which it propoundeth, or pretendeth to represent: for it either representeth a time, or a person, or an action. The first we call Chronicles, the second Lives, and the third Narrations, or Relations.

Of these, although the first be the most complete and absolute kind of history, and hath most estimation and glory, yet the second excelleth it in profit and use, and the third in verity and sincerity. For history of times representeth the magnitude of actions, and the public faces and deportments of persons, and passeth over in silence the smaller passages and motions of men and matters.

But such being the workmanship of God, as he doth hang the greatest weight upon the smallest wires, maxima è minimis suspendens, it comes therefore to pass, that such histories do rather set forth the pomp of business than the true and inward resorts thereof. But lives, if they be well written, propounding to themselves a person to represent, in whom actions, both greater and smaller, public and private, have a commixture, must of necessity contain a more true, native, and lively representation. So again narrations and relations of actions, as the War of Peloponnesus, the Expedition of Cyrus Minor, the Conspiracy of Catiline, cannot but be more purely and exactly true, than histories of times, because they may choose an argument comprehensible within the notice and instructions of the writer: whereas he that undertaketh the story of a time, especially of any length, cannot but meet with many blanks and spaces, which he must be forced to fill up out of his own wit and conjecture.

For the *History of Times*, I mean of civil history, the providence of God hath made the distribution: for it hath pleased God to ordain and illustrate two exemplar states of the world for arms, learning, moral virtue, policy, and laws; the state of Græcia, and the state of Rome: the histories whereof occupying the middle part of time, have more ancient to them, histories which may by one common name be termed the Antiquities of the world; and after them, histories which may be likewise called by the name of Modern History.

Now to speak of the deficiencies. As to the

heathen antiquities of the world, it is in vain to note them for deficient: deficient they are no doubt, consisting most of fables and fragments, but the deficience cannot be holpen; for antiquity is like fame, caput inter nubila condit, her head is muffled from our sight. For the history of the exemplar states, it is extant in good perfection. Not but I could wish there were a perfect course of history for Græcia from Theseus to Philopœmen, what time the affairs of Græcia were drowned and extinguished in the affairs of Rome; and for Rome from Romulus to Justinianus, who may be truly said to be ultimus Romanorum. In which sequences of story the text of Thucydides and Xenophon in the one, and the text of Livius, Polybius, Salustius, Cæsar, Appianus, Tacitus, Herodianus, in the other, to be kept entire, without any diminution at all, and only to be supplied and continued. But this is matter of magnificence, rather to be commended than required; and we speak now of parts of learning supplemental, and not of supererogation.

But for Modern Histories, whereof there are some few very worthy, but the greater part beneath mediocrity, leaving the care of foreign stories to foreign states, because I will not be curiosus in alienâ republicâ, I cannot fail to represent to your majesty the unworthiness of the history of England in the main continuance thereof, and the partiality and obliquity of that of Scotland, in the latest and largest author that I have seen; supposing that it would be honour for your majesty, and a work very memorable, if this island of Great Britain, as it is now joined in monarchy for the ages to come, so were joined in one history for the times passed, after the manner of the sacred history, which draweth down the story of the ten tribes, and of the two tribes, as twins, together. And if it shall seem that the greatness of this work may make it less exactly performed, there is an excellent period of a much smaller compass of time, as to the story of England; that is to say, from the uniting of the roses to the uniting of the kingdoms: a portion of time, wherein, to my understanding, there hath been the rarest varieties, that in like number of successions of any hereditary monarchy hath been known: for it beginneth with the mixed adeption of a crown by arms and title; an entry by battle, an establishment by marriage; and therefore times answerable, like waters after a tempest, full of working and swelling, though without extremity of storm: but well passed through by the wisdom of the pilot, being one of the most sufficient kings of all the number. Then followeth the reign of a king, whose actions, howsoever conducted, had much intermixture with the affairs of Europe, balancing and inclining them variably; in whose time also began that great alteration in the state ecclesiastical, an action which seldom cometh upon the stage. Then the reign of a minor: then an offer of an usurpation, though it was but as febris ephemera: then the reign of a queen matched with a foreigner: then of a queen that lived solitary and unmarried, and yet her government so masculine, as it had greater impression and operation upon the states abroad than it any ways received from thence. And now last, this most happy and glorious event, that this island of Britain, divided from all the world, should be united in itself: and that oracle of rest, given to Æneas, "Antiquam exquirite matrem," should now be performed and fulfilled upon the nations of England and Scotland, being now reunited in the ancient mother name of Britain, as a full period of all instability and peregrinations: so that as it cometh to pass in massive bodies, that they have certain trepidations and waverings before they fix and settle; so it seemeth that by the providence of God, this monarchy, before it was to settle in your majesty and your generations, in which I hope it is now established for ever, it had these prelusive changes and varieties.

For *Lives*; I do find strange that these times have so little esteemed the virtues of the times, as that the writing of lives should be no more frequent. For although there be not many sovereign princes or absolute commanders, and that states are most collected into monarchies, yet there are many worthy personages that deserve better than dispersed report or barren elogies. For herein the invention of one of the late poets is proper, and doth well enrich the ancient fiction: for he feigneth, that at the end of the thread or web of every man's life there was a little medal containing the person's name, and that Time waited upon the shears; and as soon as the thread was cut, caught the medals, and carried them to the river of Lethe; and about the bank there were many birds flying up and down, that would get the medals, and carry them in their beak a little while, and then let them fall into the river: only there were a few swans, which if they got a name, would carry it to a temple, where it was consecrated.

And though many men, more mortal in their affections than in their bodies, do esteem desire of name and memory but as a vanity and ventosity,

"Animi nil magnæ laudis egentes;"

which opinion cometh from the root, "non prius laudes contempsimus, quam laudanda facere desivimus:" yet that will not alter Solomon's judgment, "Memoria justi cum laudibus, at impiorum nomen putrescet:" the one flourisheth, the other either consumeth to present oblivion, or turneth to an ill odour.

And therefore in that style or addition, which is and hath been long well received and brought in use, "felicis memoriæ, piæ memoriæ, bonæ memoriæ," we do acknowledge that which Cicero saith, borrowing it from Demosthenes, that "bona fama propria possessio defunctorum;" which possession I cannot but note, that in our times it lieth much waste, and that therein there is a deficience.

For *Narrations* and *Relations* of particular actions, there were also to be wished a greater diligence therein; for there is no great action but hath some good pen which attends it.

And because it is an ability not common to write a good history, as may well appear by the small number of them; yet if particularity of actions memorable were but tolerably reported as they pass, the compiling of a complete history of times might

be the better expected, when a writer should arise that were fit for it; for the collection of such relations might be as a nursery garden, whereby to plant a fair and stately garden, when time should serve.

There is yet another partition of history which Cornelius Tacitus maketh, which is not to be forgotten, especially with that application which he accompleth it withal, *Annals* and *Journals:* appropriating to the former, matters of state; and to the latter, acts and accidents of a meaner nature. For giving but a touch of certain magnificent buildings, he addeth, "Cum ex dignitate populi Romani repertum sit, res illustres annalibus, talia diurnis urbis actis mandare." So as there is a kind of contemplative heraldry, as well as civil. And as nothing doth derogate from the dignity of a state more than confusion of degrees; so it doth not a little embase the authority of a history, to intermingle matters of triumph, or matters of ceremony, or matters of novelty, with matters of state. But the use of a journal hath not only been in the history of time, but likewise in the history of persons, and chiefly of actions: for princes in ancient time had, upon point of honour and policy both, journals kept, of what passed day by day: for we see the chronicle which was read before Ahasuerus, when he could not take rest, contained matters of affairs indeed, but such as had passed in his own time, and very lately before: but the journal of Alexander's house expressed every small particularity even concerning his person and court; and it is yet a use well received in enterprises memorable, as expeditions of war, navigations, and the like, to keep diaries of that which passeth continually.

I cannot likewise be ignorant of a form of writing, which some grave and wise men have used, containing a scattered history of those actions which they have thought worthy of memory, with politic discourse and observation thereupon; not incorporated into the history, but separately, and as the more principal in their intention; which kind of enunciated history I think more fit to place amongst books of policy, whereof we shall hereafter speak, than amongst books of history: for it is the true office of history to represent the events themselves together with the counsels, and to leave the observations and conclusions thereupon to the liberty and faculty of every man's judgment; but mixtures are things irregular, whereof no man can define.

So also is there another kind of history manifoldly mixed, and that is History of Cosmography, being compounded of natural history, in respect to the regions themselves; of history civil, in respect of the habitations, regiments, and manners of the people: and the mathematics, in respect of the climates and configurations towards the heavens: which part of learning of all others, in this latter time, hath obtained most proficience. For it may be truly affirmed to the honour of these times, and in a virtuous emulation with antiquity, that this great building of the world had never thorough lights made in it, till the age of us and our fathers: for although they had knowledge of the antipodes,

"Nosque ubi primus equis oriens afflavit anhelis,
Illic sera rubens accendit lumina Vesper:"

yet that might be by demonstration, and not in fact; and if by travel, it requireth the voyage but of half the globe. But to circle the earth, as the heavenly bodies do, was not done or enterprised till these later times: and therefore these times may justly bear in their word, not only plus ultra in precedence of the ancient non ultra, and imitabile fulmen, in precedence of the ancient non imitabile fulmen,

"Demens qui nimbos et non imitabile fulmen," etc.

but likewise imitabile cœlum; in respect of the many memorable voyages, after the manner of heaven, about the globe of the earth.

And this proficiency in navigation and discoveries may plant also an expectation of the farther proficiency and augmentation of all sciences; because, it may seem, they are ordained by God to be coevals, that is, to meet in one age. For so the prophet Daniel, speaking of the latter times, foretelleth; "Plurimi pertransibunt, et multiplex erit scientia;" as if the openness and thorough passage of the world, and the increase of knowledge, were appointed to be in the same ages, as we see it is already performed in great part: the learning of these latter times not much giving place to the former two periods or returns of learning, the one of the Grecians, the other of the Romans.

History ecclesiastical receiveth the same divisions with history civil; but farther, in the propriety thereof, may be divided into the History of the church, by a general name; History of Prophecy; and History of Providence.

The first describeth the times of the militant church, whether it be fluctuant, as the ark of Noah; or movable, as the ark in the wilderness; or at rest, as the ark in the temple; that is, the state of the church in persecution, in remove, and in peace. This part I ought in no sort to note as deficient, only I would the virtue and sincerity of it were according to the mass and quantity. But I am not now in hand with censures, but with omissions.

Historia Prophetica.

The second, which is history of prophecy, consisteth of two relatives, the prophecy, and the accomplishment; and therefore the nature of such a work ought to be, that every prophecy of the Scripture be sorted with the event fulfilling the same, throughout the ages of the world; both for the better confirmation of faith, and for the better illumination of the church touching those parts of prophecies which are yet unfulfilled: allowing nevertheless that latitude which is agreeable and familiar unto divine prophecies, being of the nature of their Author, with whom a thousand years are but as one day, and therefore are not fulfilled punctually at once, but have springing and germinant accomplishment throughout many ages; though the height or fulness of them may refer to some one age.

This is a work which I find deficient, but is to be done with wisdom, sobriety, and reverence, or not at all.

The third, which is history of providence, con-

taineth that excellent correspondence which is between God's revealed will and his secret will: which though it be so obscure, as for the most part it is not legible to the natural man; no, nor many times to those that behold it from the tabernacle; yet at some times it pleaseth God, for our better establishment, and the confuting of those which are as without God in the world, to write it in such text and capital letters, that, as the prophet saith, "he that runneth by may read it;" that is, mere sensual persons, which hasten by God's judgments, and never bend or fix their cogitations upon them, are nevertheless in their passage and race urged to discern it. Such are the notable events and examples of God's judgments, chastisements, deliverances, and blessings: and this is a work which hath passed through the labours of many, and therefore I cannot present as omitted.

There are also other parts of learning which are Appendices to history; for all the exterior proceedings of man consist of words and deeds; whereof history doth properly receive and retain in memory the deeds; and if words, yet but as inducements and passages to deeds: so are there other books and writings, which are appropriate to the custody and receipt of words only, which likewise are of three sorts; Orations, Letters, and Brief Speeches or Sayings.

Orations are pleadings, speeches of counsel, laudatives, invectives, apologies, reprehensions; orations of formality or ceremony, and the like.

Letters are according to all the variety of occasions, advertisements, advices, directions, propositions, petitions commendatory, expostulatory, satisfactory; of compliment, of pleasure, of discourse, and all other passages of action. And such as are written from wise men, are, of all the words of man, in my judgment the best; for they are more natural than orations and public speeches, and more advised than conferences or present speeches. So again letters of affairs from such as manage them or are privy to them, are of all others the best instructions for history, and to a diligent reader the best histories in themselves.

For Apophthegms, it is a great loss of that book of Cæsar's; for as his history, and those few letters of his which we have, and those apophthegms which were of his own, excel all men's else, so I suppose would his collection of apophthegms have done; for as for those which are collected by others, either I have no taste in such matters, or else their choice hath not been happy. But upon these three kinds of writings I do not insist, because I have no deficiencies to propound concerning them.

Thus much therefore concerning History, which is that part of learning which answereth to one of the cells, domiciles, or offices of the mind of man, which is that of the Memory.

Poesy is a part of learning in measure of words for the most part restrained, but in all other points extremely licensed, and doth truly refer to the imagination; which being not tied to the laws of matter, may at pleasure join that which nature hath severed, and sever that which nature hath joined, and s make unlawful matches and divorces of things, Pi toribus atque poëtis, etc. It is taken in two sens in respect of words, or matter; in the first sense, i is but a character of style, and belongeth to arts speech, and is not pertinent for the present: in th latter, it is, as hath been said, one of the princip portions of learning, and is nothing else but feigne history, which may be styled as well in prose as i verse.

The use of this feigned history hath been to gi some shadow of satisfaction to the mind of man i those points wherein the nature of things doth des it, the world being in proportion inferior to the sou by reason whereof there is, agreeable to the spir of man, a more ample greatness, a more exact goo ness, and a more absolute variety, than can be fou in the nature of things. Therefore, because the ac or events of true history have not that magnitu which satisfieth the mind of man, poesy feigne acts and events greater and more heroical; becau true history propoundeth the successes and issues actions not so agreeable to the merits of virtue a vice, therefore poesy feigns them more just in ret bution, and more according to revealed providenc because true history representeth actions and even more ordinary, and less interchanged; therefo poesy endueth them with more rareness, and mo unexpected and alternative variations: so as it a peareth that poesy serveth and conferreth to ma nanimity, morality, and to delectation. And the fore it was ever thought to have some participati of divineness, because it doth raise and erect t mind, by submitting the shows of things to t desires of the mind; whereas reason doth bud and bow the mind unto the nature of things.

And we see, that by these insinuations and co gruities with man's nature and pleasure, joined a with the agreement and consort it hath with mu it hath had access and estimation in rude times a barbarous regions, where other learning stood cluded.

The division of poesy, which is aptest in the p priety thereof, besides those divisions which common unto it with history, as feigned chronicl feigned lives, and the appendices of history, feigned epistles, feigned orations, and the rest, into Poesy Narrative, Representative, and Allusiv

The Narrative is a mere imitation of history, w the excesses before remembered, choosing for su ject commonly wars and love; rarely state: a sometimes pleasure or mirth.

Representative is as a visible history, and is image of actions as if they were present, as histo is of actions in nature as they are, that is, past.

Allusive or parabolical, is a narration applied o to express some special purpose or conceit; wh latter kind of parabolical wisdom was much more use in the ancient times, as by the fables of Æs and the brief sentences of the Seven, and the use hieroglyphics, may appear. And the cause was, that it was then of necessity to express any pa of reason, which was more sharp or subtile th the vulgar, in that manner, because men in th

times wanted both variety of examples and subtilty of conceit: and as hieroglyphics were before letters, so parables were before arguments. And nevertheless now, and at all times, they do retain much life and vigour, because reason cannot be so sensible nor examples so fit.

But there remaineth yet another use of poesy parabolical, opposite to that which we last mentioned: for that tendeth to demonstrate and illustrate that which is taught or delivered, and this other to retire and obscure it: that is, when the secrets and mysteries of religion, policy, or philosophy, are involved in fables and parables.

Of this in divine poesy, we see the use is authorised. In heathen poesy, we see, the exposition of fables doth fall out sometimes with great felicity, as in the fable that the giants being overthrown in their war against the gods, the Earth their mother, in revenge thereof, brought forth Fame:

"Illam Terra parens irâ irritata deorum,
Extremam, ut perhibent, Cœo Enceladoque sororem
Progenuit."

Expounded, that when princes and monarchs have suppressed actual and open rebels, then the malignity of the people, which is the mother of rebellion, doth bring forth libels and slanders, and taxations of the state, which is of the same kind with rebellion, but more feminine. So in the fable, that the rest of the gods having conspired to bind Jupiter, Pallas called Briareus with his hundred hands to his aid: expounded, that monarchies need not fear any curbing of their absoluteness by mighty subjects, as long as by wisdom they keep the hearts of the people, who will be sure to come in on their side. So in the fable, that Achilles was brought up under Chiron the centaur, who was part a man and part a beast: expounded ingeniously, but corruptly, by Machiavel, that it belongeth to the education and discipline of princes, to know as well how to play the part of the lion in violence, and the fox in guile, as of the man in virtue and justice.

Nevertheless in many the like encounters, I do rather think that the fable was first, and the exposition then devised, than that the moral was first, and thereupon the fable framed. For I find it was an ancient vanity in Chrysippus, that troubled himself with great contention to fasten the assertions of the Stoics upon the fictions of the ancient poets; but yet that all the fables and fictions of the poets were but pleasure and not figure, I interpose no opinion.

Surely of those poets which are now extant, even Homer himself, notwithstanding he was made a kind of Scripture by the latter schools of the Grecians, yet I should without any difficulty pronounce, that his fables had no such inwardness in his own meaning: but what they might have, upon a more original tradition, is not easy to affirm, for he was not the inventor of many of them.

In this third part of learning, which is poesy, I can report no deficience. For being as a plant that cometh of the lust of the earth, without a formal seed, it hath sprung up and spread abroad more than any other kind: but to ascribe unto it that which is due, for the expression of affections, passions, corruptions, and customs, we are beholden to poets more than to the philosophers' works; and for wit and eloquence, not much less than to orators' harangues. But it is not good to stay too long in the theatre. Let us now pass on to the judicial place or palace of the mind, which we are to approach and view with more reverence and attention.

Div vs. Philo

The knowledge of man is as the waters, some descending from above, and some springing from beneath; the one informed by the light of nature, the other inspired by divine revelation.

The light of nature consisteth in the notions of the mind, and the reports of the senses; for as for knowledge which man receiveth by teaching, it is cumulative, and not original, as in a water, that, besides his own spring-head, is fed with other springs and streams. So then, according to these two differing illuminations or originals, knowledge is first of all divided into Divinity and Philosophy.

In philosophy, the contemplations of man do either penetrate unto God, or are circumferred to nature, or are reflected or reverted upon himself. Out of which several inquiries there do arise three knowledges, Divine philosophy, Natural philosophy, and Human philosophy or humanity. For all things are marked and stamped with this triple character, of the power of God, the difference of nature, and the use of man. But because the distributions and partitions of knowledge are not like several lines that meet in one angle, and so touch but in a point; but are like branches of a tree, that meet in a stem, which hath a dimension and quantity of entireness and continuance, before it come to discontinue and break itself into arms and boughs; therefore it is good, before we enter into the former distribution, to erect and constitute one universal science, by the name of Philosophia prima, primitive or summary philosophy, as the main and common way, before we come where the ways part and divide themselves; which science, whether I should report as deficient or not, I stand doubtful.

For I find a certain rhapsody of natural theology, and of divers parts of logic; and of that part of natural philosophy, which concerneth the principles; and of that other part of natural philosophy, which concerneth the soul or spirit; all these strangely commixed and confused: but being examined, it seemeth to me rather a depredation of other sciences, advanced and exalted unto some height of terms, than any thing solid or substantive of itself.

Nevertheless, I cannot be ignorant of the distinction which is current, that the same things are handled but in several respects. As for example, that logic considereth of many things as they are in notion; and this philosophy, as they are in nature; the one in appearance, the other in existence: but I find this difference better made than pursued. For if they had considered quantity, similitude, diversity, and the rest of those external characters of things, as philosophers, and in nature; their inquiries must of force have been of a far other kind than they are.

For doth any of them, in handling quantity, speak of the force of union, how, and how far it multiplieth virtue? Doth any give the reason, why some things in nature are so common and in so great mass, and others so rare, and in so small quantity? Doth any, in handling similitude and diversity, assign the cause why iron should not move to iron, which is more like, but move to the loadstone, which is less like? Why, in all diversities of things, there should be certain participles in nature, which are almost ambiguous, to which kind they should be referred? But there is a mere and deep silence touching the nature and operation of those common adjuncts of things, as in nature; and only a resuming and repeating of the force and use of them, in speech or argument.

Therefore because in a writing of this nature I avoid all subtilty, my meaning touching this original or universal philosophy is thus, in a plain and gross description by negative; "That it be a receptacle for all such profitable observations and axioms, as fall not within the compass of any of the special parts of philosophy or sciences, but are more common and of a higher stage."

Now that there are many of that kind, need not to be doubted. For example: is not the rule, "Si inæqualibus æqualia addas, omnia erunt inæqualia," an axiom as well of justice as of the mathematics? And is there not a true coincidence between commutative and distributive justice, and arithmetical and geometrical proportion? Is not that other rule, "Quæ in eodem tertio conveniunt, et inter se conveniunt," a rule taken from the mathematics, but so potent in logic, as all syllogisms are built upon it? Is not the observation, "Omnia mutantur, nil interit," a contemplation in philosophy thus, that the quantum of nature is eternal? in natural theology thus; that it requireth the same omnipotence to make somewhat nothing, which at the first made nothing somewhat? according to the scripture, "Didici quod omnia opera, quæ fecit Deus, perseverent in perpetuum; non possimus eis quicquam addere, nec auferre."

Is not the ground, which Machiavel wisely and largely discourseth concerning governments, that the way to establish and preserve them, is to reduce them ad principia, a rule in religion and nature, as well as in civil administration? Was not the Persian magic a reduction or correspondence of the principles and architectures of nature, to the rules and policy of governments? Is not the precept of a musician, to fall from a discord or harsh accord upon a concord or sweet accord, alike true in affection? Is not the trope of music, to avoid or slide from the close or cadence, common with the trope of rhetoric, of deceiving expectation? Is not the delight of the quavering upon a stop in music, the same with the playing of light upon the water?

"——— Splendet tremulo sub lumine pontus."

Are not the organs of the senses of one kind with the organs of reflection, the eye with a glass, the ear with a cave or strait determined and bounded? Neither are these only similitudes, as men of narrow observation may conceive them to be, but the same footsteps of nature, treading or printing upon several subjects or matters.

Philosophia prima, sive de fontibus scientiarum.

This science, therefore, as I understand it, I may justly report as deficient; for I see sometimes the profounder sort of wits, in handling some particular argument, will now and then draw a bucket of water out of this well for their present use; but the spring-head thereof seemeth to me not to have been visited; being of so excellent use, both for the disclosing of nature, and the abridgment of art.

This science being therefore first placed as a common parent, like unto Berecynthia, which had so much heavenly issue, "Omnes cœlicolas, omnes supera alta tenentes," we may return to the former distribution of the three philosophies, divine, natural, and human.

And as concerning Divine Philosophy, or Natural Theology, it is that knowledge or rudiment of knowledge concerning God, which may be obtained by the contemplation of his creatures; which knowledge may be truly termed divine, in respect of the object, and natural in respect of the light.

The bounds of this knowledge are, that it sufficeth to convince atheism, but not to inform religion: and therefore there was never miracle wrought by God to convert an atheist, because the light of nature might have led him to confess a God: but miracles have been wrought to convert idolaters and the superstitious, because no light of nature extendeth to declare the will and true worship of God.

For as all works do show forth the power and skill of the workman, and not his image, so it is of the works of God, which do show the omnipotency and wisdom of the Maker, but not his image: and therefore therein the heathen opinion differeth from the sacred truth; for they supposed the world to be the image of God, and man to be an extract or compendious image of the world; but the Scriptures never vouchsafe to attribute to the world that honour, as to be the image of God, but only the work of his hands: neither do they speak of any other image of God, but man: wherefore by the contemplation of nature, to induce and enforce the acknowledgment of God, and to demonstrate his power, providence, and goodness, is an excellent argument and hath been excellently handled by divers.

But on the other side, out of the contemplation of nature or ground of human knowledge, to induce any verity or persuasion concerning the points of faith, is in my judgment not safe: "Da fidei, quæ fidei sunt." For the heathen themselves concluded as much in that excellent and divine fable of the golden chain; "That men and gods were not able to draw Jupiter down to the earth; but contrariwise, Jupiter was able to draw them up to heaven."

So as we ought not to attempt to draw down or submit the mysteries of God to our reason; but contrariwise, to raise and advance our reason to the divine truth. So as in this part of knowledge touching divine philosophy, I am so far from noting any deficience, as I rather note an excess; whereunto I have digressed, because of the extreme gate

judice which both religion and philosophy hath received, and may receive, by being commixed together; as that which undoubtedly will make an heretical religion, and an imaginary and fabulous philosophy.

Otherwise it is of the nature of angels and spirits, which is an appendix of theology, both divine and natural, and is neither inscrutable nor interdicted: for although the Scripture saith, "Let no man deceive you in sublime discourse touching the worship of angels, pressing into that he knoweth not," &c. yet notwithstanding, if you observe well that precept, it may appear thereby that there be two things only forbidden, adoration of them, and opinion fantastical of them, either to extol them farther than appertaineth to the degree of a creature, or to extol a man's knowledge of them farther than he hath ground. But the sober and grounded inquiry, which may arise out of the passages of Holy Scriptures, or out of the gradations of nature, is not restrained. So of degenerate and revolted spirits, the conversing with them, or the employment of them, is prohibited, much more any veneration towards them. But the contemplation or science of their nature, their power, their illusions, either by Scripture or reason, is a part of spiritual wisdom. For so the apostle saith, "We are not ignorant of his stratagems." And it is no more unlawful to inquire the nature of evil spirits, than to inquire the force of poisons in nature, or the nature of sin and vice in morality. But this part, touching angels and spirits, I cannot note as deficient, for many have occupied themselves in it; I may rather challenge it, in many of the writers thereof, as fabulous and fantastical.

Leaving therefore divine philosophy or natural theology, not divinity, or inspired theology, which we reserve for the last of all, as the haven and sabbath of all man's contemplations, we will now proceed to Natural Philosophy.

If then it be true that Democritus said, "That the truth of nature lieth hid in certain deep mines and caves;" and if it be true likewise that the alchemists do so much inculcate, that Vulcan is a second nature, and imitateth that dexterously and compendiously, which nature worketh by ambages and length of time; it were good to divide natural philosophy into the mine and the furnace, and to make two professions or occupations of natural philosophers, some to be pioneers, and some smiths; some to dig, and some to refine and hammer: and surely I do best to allow of a division of that kind, though in more familiar and scholastical terms: namely, that there be the two parts of natural philosophy,—the inquisition of causes, and the production of effects; speculative and operative; natural science, and natural prudence.

For as in civil matters there is a wisdom of discourse, and a wisdom of direction; so it is in natural. And here I will make a request, that for the latter, or at least for a part thereof, I may revive and reintegrate the misapplied and abused name of natural magic, which, in the true sense, is but natural wisdom, or natural prudence; taken according to the ancient acception, purged from vanity and superstition.

Now although it be true, and I know it well, that there is an intercourse between causes and effects, so as both these knowledges, speculative and operative, have a great connexion between themselves; yet because all true and fruitful natural philosophy hath a double scale or ladder, ascendant and descendent; ascending from experiments, to the invention of causes; and descending from causes, to the invention of new experiments; therefore I judge it most requisite that these two parts be severally considered and handled.

Natural science, or theory, is divided into Physic and Metaphysic; wherein I desire it may be conceived, that I use the word metaphysic in a differing sense from that that is received: and, in like manner, I doubt not but it will easily appear to men of judgment, that in this and other particulars, wheresoever my conception and notion may differ from the ancient, yet I am studious to keep the ancient terms.

For hoping well to deliver myself from mistaking, by the order and perspicuous expressing of that I do propound; I am otherwise zealous and affectionate to recede as little from antiquity, either in terms or opinions, as may stand with truth, and the proficience of knowledge.

And herein I cannot a little marvel at the philosopher Aristotle, that did proceed in such a spirit of difference and contradiction towards all antiquity, undertaking not only to frame new words of science at pleasure, but to confound and extinguish all ancient wisdom: insomuch as he never nameth or mentioneth an ancient author or opinion, but to confute and reprove; wherein for glory, and drawing followers and disciples, he took the right course.

For certainly there cometh to pass, and hath place in human truth, that which was noted and pronounced in the highest truth, "Veni in nomine Patris, nec recipitis me; si quis venerit in nomine suo, eum recipietis." But in this divine aphorism, considering to whom it was applied, namely, to antichrist, the highest deceiver, we may discern well, that the coming in a man's own name, without regard of antiquity or paternity, is no good sign of truth, although it be joined with the fortune and success of an "Eum recipietis."

But for this excellent person, Aristotle, I will think of him, that he learned that humour of his scholar, with whom, it seemeth, he did emulate, the one to conquer all opinions, as the other to conquer all nations: wherein nevertheless, it may be, he may at some men's hands, that are of a bitter disposition, get a like title as his scholar did.

> "Felix terrarum prædo, non utile mundo
> Editus exemplum," etc.

So,

> "Felix doctrinæ prædo."

But to me, on the other side, that do desire as much as lieth in my pen to ground a sociable intercourse between antiquity and proficience, it seemeth best to keep way with antiquity usque ad aras; and therefore to retain the ancient terms, though I sometimes alter the uses and definitions; according to

the moderate proceeding in civil government, where, although there be some alteration, yet that holdeth which Tacitus wisely noteth, "eadem magistratuum vocabula."

To return therefore to the use and acception of the term metaphysic, as I do now understand the word; it appeareth, by that which hath been already said, that I intend philosophia prima, summary philosophy, and metaphysic, which heretofore have been confounded as one, to be two distinct things. For the one I have made as a parent, or common ancestor, to all knowledge; and the other I have now brought in, as a branch, or descendant, of natural science. It appeareth likewise that I have assigned to summary philosophy the common principles and axioms which are promiscuous and indifferent to several sciences: I have assigned unto it likewise the inquiry touching the operation of the relative and adventive characters of essences, as quantity, similitude, diversity, possibility, and the rest; with this distinction and provision, that they be handled as they have efficacy in nature, and not logically. It appeareth likewise, that natural theology, which heretofore hath been handled confusedly with metaphysic, I have enclosed and bounded by itself.

It is therefore now a question, what is left remaining for metaphysic; wherein I may without prejudice preserve thus much of the conceit of antiquity, that physic should contemplate that which is inherent in matter, and therefore transitory; and metaphysic, that which is abstracted and fixed.

And again, that physic should handle that which supposeth in nature only a being and moving; and metaphysic should handle that which supposeth farther in nature a reason, understanding, and platform. But the difference perspicuously expressed, is most familiar and sensible.

For as we divided natural philosophy in general into the inquiry of causes, and productions of effects; so that part which concerneth the inquiry of causes, we do subdivide according to the received and sound division of causes; the one part, which is physic, inquireth and handleth the material and efficient causes; and the other, which is metaphysic, handleth the formal and final causes.

Physic, taking it according to the derivation, and not according to our idiom for medicine, is situate in a middle term, or distance, between natural history and metaphysic. For natural history describeth the variety of things; physic the causes, but variable or respective causes; and metaphysic, the fixed and constant causes.

> "Limus ut hic durescit, et hæc ut cera liquescit,
> Uno eodemque igni."

Fire is the cause of induration, but respective to clay: fire is the cause of colliquation, but respective to wax. But fire is no constant cause either of induration or colliquation; so then the physical causes are but the efficient and the matter.

Physic hath three parts, whereof two respect nature united or collected, the third contemplateth nature diffused or distributed.

Nature is collected either into one entire total, or else into the same principle or seeds. So as the first doctrine is touching the contexture or configuration of things, as, de mundo, de universitate rerum.

The second is the doctrine concerning the principles or originals of things.

The third is the doctrine concerning all variety and particularity of things; whether it be of the differing substances, or their differing qualities and natures; whereof there needeth no enumeration, this part being but as a gloss, or paraphrase, that attendeth upon the text of natural history.

Of these three I cannot report any as deficient. In what truth or perfection they are handled, I make not now any judgment: but they are parts of knowledge not deserted by the labour of man.

For Metaphysic, we have assigned unto it the inquiry of formal and final causes; which assignation, as to the former of them, may seem to be nugatory and void, because of the received and inveterate opinion, that the inquisition of man is not competent to find out essential forms, or true differences: of which opinion we will take this hold, that the invention of forms is of all other parts of knowledge the worthiest to be sought, if it be possible to be found.

As for the possibility, they are ill discoverers that think there is no land, when they can see nothing but sea.

But it is manifest, that Plato, in his opinion of ideas, as one that had a wit of elevation situate as upon a cliff, did descry, "That forms were the true object of knowledge;" but lost the real fruit of his opinion, by considering of forms as absolutely abstracted from matter, and not confined and determined by matter; and so turning his opinion upon theology, wherewith all his natural philosophy is infected.

But if any man shall keep a continual watchful and severe eye upon action, operation, and the use of knowledge, he may advise and take notice what are the forms, the disclosures whereof are fruitful and important to the state of man. For as to the forms of substances, man only except, of whom it is said, "Formavit hominem de limo terræ, et spiravit in faciem ejus spiraculum vitæ," and not as of all other creatures, "Producant aquæ, producat terra;" the forms of substances, I say, as they are now by compounding and transplanting multiplied, are so perplexed, as they are not to be inquired; no more than it were either possible or to purpose, to seek in gross the forms of those sounds which make words, which by composition and transposition of letters are infinite.

But, on the other side, to inquire the form of those sounds or voices, which make simple letters, is easily comprehensible; and being known, induceth and manifesteth the forms of all words, which consist and are compounded of them. In the same manner to inquire the form of a lion, of an oak, of gold; nay of water, of air, is a vain pursuit: but to inquire the forms of sense, of voluntary motion, of vegetation, of colours, of gravity and levity, of density, of tenuity, of heat, of cold, and all other natures and

qualities, which, like an alphabet, are not many, and of which the essences, upheld by matter, of all creatures do consist: to inquire, I say, the true forms of these, is that part of metaphysic which we now define of.

Not but that physic doth make inquiry, and take consideration of the same natures: but how? Only as to the material and efficient causes of them, and not as to the forms. For example; if the cause of whiteness in snow or froth be inquired, and it be rendered thus; that the subtile intermixture of air and water is the cause, it is well rendered; but nevertheless, is this the form of whiteness? No, but it is the efficient, which is ever but vehiculum formæ.

Metaphysica, sive de formis et finibus rerum.

This part of metaphysic I do not find laboured and performed, whereat I marvel not: because I hold it not possible to be invented by that course of invention which hath been used, in regard that men, which is the root of all error, have made too untimely a departure, and too remote a recess from particulars.

But the use of this part of metaphysic which I report as deficient, is of the rest the most excellent in two respects: the one, because it is the duty and virtue of all knowledge to abridge the infinity of individual experience, as much as the conception of truth will permit, and to remedy the complaint of vita brevis, ars longa; which is performed by uniting the notions and conceptions of sciences: for knowledges are as pyramids, whereof history is the basis. So of natural philosophy, the basis is natural history; the stage next the basis is physic; the stage next the vertical point is metaphysic. As for the vertical point, "Opus quod operatur Deus a principio usque ad finem," the summary law of nature, we know not whether man's inquiry can attain unto it. But these three be the true stages of knowledge, and are to them that are depraved no better than the giants' hills.

"Ter sunt conati imponere Pelio Ossam
Scilicet, atque Ossæ frondosum involvere Olympum."

But to those which refer all things to the glory of God, they are as the three acclamations, Sancte, sancte, sancte; holy in the description or dilatation of his works; holy in the connexion or concatenation of them; and holy in the union of them in a perpetual and uniform law.

And therefore the speculation was excellent in Parmenides and Plato, although but a speculation to them, that all things by scale did ascend to unity. So then always that knowledge is worthiest, which is charged with the least multiplicity; which apteth to be metaphysic, as that which considereth the simple forms or differences of things, which are few in number, and the degrees and co-ordinations thereof make all this variety.

The second respect which valueth and commendeth this part of metaphysic is, that it doth enfranchise the power of man unto the greatest liberty and possibility of works and effects. For physic straineth men in narrow and restrained ways, subject to many accidents of impediments, imitating the ordinary flexuous courses of nature; but "latæ undique sunt sapientibus viæ:" to sapience, which was anciently defined to be "rerum divinarum et humanarum scientia," there is ever choice of means: for physical causes give light to new invention in simili materia. But whosoever knoweth any form, knoweth the utmost possibility of superinducing that nature upon any variety of matter, and so is less restrained in operation, either to the basis of the matter, or the condition of the efficient: which kind of knowledge Solomon likewise, though in a more divine sense, elegantly describeth: "Non arctabuntur gressus tui, et currens non habebis offendiculum." The ways of sapience are not much liable either to particularity or chance.

The second part of metaphysic is the inquiry of final causes, which I am moved to report, not as omitted, but as misplaced; and yet if it were but a fault in order, I would not speak of it: for order is matter of illustration, but pertaineth not to the substance of sciences. But this misplacing hath caused a deficience, or at least a great improficience in the sciences themselves. For the handling of final causes, mixed with the rest in physical inquiries, hath intercepted the severe and diligent inquiry of all real and physical causes, and given men the occasion to stay upon these satisfactory and specious causes, to the great arrest and prejudice of farther discovery.

For this I find done not only by Plato, who ever anchoreth upon that shore, but by Aristotle, Galen, and others, which do usually likewise fall upon these flats of discoursing causes. For to say that the hairs of the eyelids are for a quickset and fence about the sight; or, that the firmness of the skins and hides of living creatures is to defend them from the extremities of heat or cold; or, that the bones are for the columns or beams, whereupon the frames of the bodies of living creatures are built; or, that the leaves of trees are for the protecting of the fruit; or, that the clouds are for watering of the earth; or, that the solidness of the earth is for the station and mansion of living creatures, and the like, is well inquired and collected in metaphysic; but in physic they are impertinent. Nay, they are indeed but remoras and hinderances to stay and slug the ship from farther sailing, and have brought this to pass, that the search of the physical causes hath been neglected, and passed in silence.

And therefore the natural philosophy of Democritus, and some others, who did not suppose a mind or reason in the frame of things, but attributed the form thereof, able to maintain itself, to infinite essays or proofs of nature, which they term fortune; seemeth to me, as far as I can judge by the recital and fragments which remain unto us, in particularities of physical causes, more real and better inquired than that of Aristotle and Plato; whereof both intermingled final causes, the one as a part of theology, and the other as a part of logic, which were the favourite studies respectively of both those persons. Not because those final causes are not true, and worthy to be inquired, being kept within their own province; but because their excursions into the limits of physical causes has bred a vastness and

solitude in that track. For, otherwise, keeping their precincts and borders, men are extremely deceived if they think there is an enmity or repugnancy at all between them. For the cause rendered, that the hairs about the eye-lids are for the safeguard of the sight, doth not impugn the cause rendered, that pilosity is incident to orifices of moisture; Muscosi fontes, etc. Nor the cause rendered, that the firmness of hides is for the armour of the body against extremities of heat or cold, doth not impugn the cause rendered, that contraction of pores is incident to the outwardest parts, in regard of their adjacence to foreign or unlike bodies; and so of the rest: both causes being true and compatible, the one declaring an intention, the other a consequence only.

Neither doth this call in question, or derogate from Divine Providence, but highly confirm and exalt it. For as in civil actions he is the greater and deeper politician, that can make other men the instruments of his will and ends, and yet never acquaint them with his purpose, so as they shall do it, and yet not know what they do; than he that imparteth his meaning to those he employeth: so is the wisdom of God more admirable, when nature intendeth one thing, and Providence draweth forth another; than if he had communicated to particular creatures, and motions, the characters and impressions of his providence. And thus much for metaphysic; the latter part whereof I allow as extant, but wish it confined to its proper place.

Nevertheless there remaineth yet another part of natural philosophy, which is commonly made a principal part, and holdeth rank with physic special, and metaphysic, which is mathematic; but I think it more agreeable to the nature of things, and to the light of order, to place it as a branch of metaphysic: for the subject of it being quantity, not quantity indefinite, which is but a relative, and belongeth to philosophia prima, as hath been said, but quantity determined, or proportionable; it appeareth to be one of the essential forms of things; as that that is causative in nature of a number of effects; insomuch as we see, in the schools both of Democritus and Pythagoras, that the one did ascribe Figure to the first seeds of things, and the other did suppose Numbers to be the principles and originals of things; and it is true also, that of all other form, as we understand forms, it is the most abstracted and separable from matter, and therefore most proper to metaphysic; which hath likewise been the cause why it hath been better laboured and inquired, than any of the other forms, which are more immersed into matter.

For it being the nature of the mind of man, to the extreme prejudice of knowledge, to delight in the spacious liberty of generalities, as in a champain region, and not in the enclosures of particularity; the mathematics of all other knowledge were the goodliest fields to satisfy that appetite.

But for the placing of this science, it is not much material; only we have endeavoured, in these our partitions, to observe a kind of perspective, that one part may cast light upon another.

The Mathematics are either pure or mixed. To the pure mathematics are those sciences belonging which handle quantity determinate, merely severed from any axioms of natural philosophy; and these are two, Geometry, and Arithmetic; the one handling quantity continued, and the other dissevered.

Mixed hath for subject some axioms or parts of natural philosophy, and considereth quantity determined, as it is auxiliary and incident unto them.

For many parts of nature can neither be invented with sufficient subtilty, nor demonstrated with sufficient perspicuity, nor accommodated unto use with sufficient dexterity, without the aid and intervening of the mathematics: of which sort are perspective, music, astronomy, cosmography, architecture, enginery, and divers others.

In the mathematics I can report no deficience, except it be that men do not sufficiently understand the excellent use of the pure mathematics, in that they do remedy and cure many defects in the wit and faculties intellectual. For, if the wit be dull, they sharpen it; if too wandering, they fix it; if too inherent in the sense, they abstract it. So that as tennis is a game of no use in itself, but of great use in respect it maketh a quick eye, and a body ready to put itself into all postures; so in the mathematics, that use which is collateral and intervenient, is no less worthy than that which is principal and intended.

And as for the mixed mathematics, I may only make this prediction, that there cannot fail to be more kinds of them, as nature grows further disclosed.

Thus much of natural science, or the part of nature speculative.

For Natural Prudence, or the part operative of natural philosophy, we will divide it into three parts, experimental, philosophical, and magical; which three parts active have a correspondence and analogy with the three parts speculative, natural history, physic, and metaphysic: for many operations have been invented, sometimes by a casual incidence and occurrence, sometimes by a purposed experiment; and of those which have been found by an intentional experiment, some have been found out by varying or extending the same experiment, some by transferring and compounding divers experiments the one into the other, which kind of invention an empiric may manage.

Again, by the knowledge of physical causes, there cannot fail to follow many indications and designations of new particulars, if men in their speculation will keep one eye upon use and practice. But these are but coastings along the shore, premendo littu iniquum: for, it seemeth to me, there can hardly be discovered any radical or fundamental alteration and innovations in nature, either by the fortune and essays of experiments, or by the light and direction of physical causes.

Naturalis magia sive physica operativa major.

If therefore we have reported metaphysic deficient, it must follow, that we do the like of natural magic, which hath relation thereunto. For as for the nature magic whereof now there is mention in books, containing certain credulous and superstitious conceit

and observations of sympathies, and antipathies, and hidden proprieties, and some frivolous experiments, strange rather by disguisement, than in themselves: it is as far differing in truth of nature from such a knowledge as we require, as the story of king Arthur of Britain, or Hugh of Bourdeaux, differs from Cæsar's Commentaries in truth of story. For it is manifest that Cæsar did greater things de vero, than those imaginary heroes were feigned to do; but he did them not in that fabulous manner. Of this kind of learning the fable of Ixion was a figure, who designed to enjoy Juno, the goddess of power; and instead of her had copulation with a cloud, of which mixture were begotten centaurs and chimeras.

So whosoever shall entertain high and vaporous imaginations, instead of a laborious and sober inquiry of truth, shall beget hopes and beliefs of strange and impossible shapes. And therefore we may note in these sciences, which hold so much of imagination and belief, as this degenerate natural magic, alchemy, astrology, and the like, that, in their propositions, the description of the means is ever more monstrous than the pretence or end.

For it is a thing more probable, that he that knoweth well the natures of weight, of colour, of pliant and fragile in respect of the hammer, of volatile and fixed in respect of the fire, and the rest, may superinduce upon some metal the nature and form of gold by such mechanic as belongeth to the production of the natures afore rehearsed, than that some grains of the medicine projected should in a few moments of time turn a sea of quicksilver, or other material, into gold: so it is more probable, that he, that knoweth the nature of arefaction, the nature of assimilation, of nourishment to the thing nourished, the manner of increase and clearing of spirits, the manner of the depredations which spirits make upon the humours and solid parts; shall, by ambages of diets, bathings, anointings, medicines, motions, and the like, prolong life, or restore some degree of youth or vivacity, than that it can be done with the use of a few drops or scruples of a liquor or receipt. To conclude therefore, the true natural magic, which is that great liberty and latitude of operation which dependeth upon the knowledge of forms, I may report deficient, as the relative thereof is; to which part, if we be serious, and incline not to vanities and plausible discourse, besides the deriving and deducing the operations themselves from metaphysic, there are pertinent two points of much purpose, the one by way of preparation, the other by way of caution; the first is, that there be made a calendar resembling an inventory of the estate of man, containing all the inventions, being the works or fruits of nature or art, which are now extant, and whereof man is already possessed, out of which doth naturally result a note, what things are yet held impossible or not invented: which calendar will be the more artificial, and serviceable, if to every reputed impossibility you add what thing is extant, which cometh the nearest in degree to that impossibility; to the end, that by these optatives and potentials man's inquiry may be the more awake in deducing direction of works from the speculation of causes: and secondly, that those experiments be not only esteemed which have an immediate and present use, but those principally which are of most universal consequence for invention of other experiments, and those which give most light to the invention of causes: for the invention of the mariner's needle, which giveth the direction, is of no less benefit for navigation, than the invention of the sails, which give the motion.

Inventarium rerum humanarum.

Thus have I passed through natural philosophy, and the deficiencies thereof, wherein if I have differed from the ancient and received doctrines, and thereby shall move contradiction: for my part, as I affect not to dissent, so I purpose not to contend. If it be truth,

Non canimus surdis, respondent omnia sylvæ:

the voice of nature will consent, whether the voice of man do or no. And as Alexander Borgia was wont to say of the expedition of the French for Naples, that they came with chalk in their hands to mark up their lodgings, and not with weapons to fight: so I like better that entry of truth, which cometh peaceably with chalk to mark up those minds which are capable to lodge and harbour it, than that which cometh with pugnacity and contention.

But there remaineth a division of natural philosophy according to the report of the inquiry, and nothing concerning the matter or subject: and that is positive and considerative; when the inquiry reporteth either an assertion, or a doubt. These doubts, or non liquets, are of two sorts, particular, and total. For the first, we see a good example thereof in Aristotle's Problems, which deserved to have had a better continuance; but so, nevertheless, as there is one point whereof warning is to be given and taken. The registering of doubts hath two excellent uses: The one, that it saveth philosophy from errors and falsehoods, when that which is not fully appearing is not collected into assertion, whereby error might draw error, but is reserved in doubt. The other, that the entry of doubts is as so many suckers or spunges to draw use of knowledge; insomuch, as that which, if doubts had not preceded, a man should never have advised, but passed it over without note, by the suggestion and solicitation of doubts is made to be attended and applied. But both these commodities do scarcely countervail an inconvenience which will intrude itself, if it be not debarred; which is, that, when a doubt is once received, men labour rather how to keep it a doubt still, than how to solve it, and accordingly bend their wits. Of this we see the familiar example in lawyers and scholars, both which, if they have once admitted a doubt, it goeth ever after authorized for a doubt. But that use of wit and knowledge is to be allowed, which laboureth to make doubtful things certain, and not those which labour to make certain things doubtful. Therefore these calendars of doubts I commend as excellent things, so that

Continuatio problematum in natura.

there be this caution used, that when they be throughly sifted and brought to resolution, they be from thenceforth omitted, discarded, and not continued to cherish and encourage men in doubting. To which calendar of doubts or problems, I advise to be annexed another calendar, as much or more material, which is a calendar of popular errors, I mean chiefly in natural history, such as pass in speech and conceit, and are nevertheless apparently detected and convicted of untruth, that man's knowledge be not weakened nor embased by such dross and vanity.

Catalogus falsitatum grassantium in historiâ naturæ.

As for the doubts or non liquets general or in total, I understand those differences of opinions touching the principles of nature, and the fundamental points of the same, which have caused the diversity of sects, schools, and philosophies, as that of Empedocles, Pythagoras, Democritus, Parmenides, and the rest. For although Aristotle, as though he had been of the race of the Ottomans, thought he could not reign, except the first thing he did he killed all his brethren; yet to those that seek truth and not magistrality, it cannot but seem a matter of great profit, to see before them the several opinions touching the foundations of nature: not for any exact truth that can be expected in those theories: for as the same phænomena in astronomy are satisfied by the received astronomy of the diurnal motion, and the proper motions of the planets, with their eccentrics, and epicycles; and likewise by the theory of Copernicus, who supposed the earth to move, and the calculations are indifferently agreeable to both: so the ordinary face and view of experience is many times satisfied by several theories and philosophies; whereas to find the real truth requireth another manner of severity and attention. For, as Aristotle saith, that children at the first will call every woman mother, but afterward they come to distinguish according to truth: so experience, if it be in childhood, will call every philosophy mother, but when it cometh to ripeness, it will discern the true mother; so as in the mean time it is good to see the several glosses and opinions upon nature, whereof it may be every one in some one point hath seen clearer than his fellows; therefore I wish some collection to be made painfully and understandingly de antiquis philosophiis, out of all the possible light which remaineth to us of them: which kind of work I find deficient. But here I must give warning, that it be done distinctly and severally, the philosophies of every one throughout by themselves, and not by titles packed and fagotted up together, as hath been done by Plutarch. For it is the harmony of a philosophy in itself, which giveth it light and credence; whereas if it be singled and broken, it will seem more foreign and dissonant. For as when I read in Tacitus the actions of Nero or Claudius, with circumstances of times, inducements, and occasions, I find them not so strange; but when I read them in Suetonius Tranquillus, gathered into titles and bundles, and not in order of time, they seem more monstrous and incredible; so is it of any philosophy reported entire, and dismembered by articles. Neither do I exclude opinions of latter times to be likewise represented in this calendar of sects of philosophy, as that of Theophrastus Paracelsus, eloquently reduced into a harmony by the pen of Severinus the Dane, and that of Tilesius, and his scholar Donius, being as a pastoral philosophy, full of sense, but of no great depth: and that of Fracastorius, who though he pretended not to make any new philosophy, yet did use the absoluteness of his own sense upon the old: and that of Gilbertus, our countryman, who revived, with some alterations and demonstrations, the opinions of Xenophanes: and any other worthy to be admitted.

De antiquis philosophiis.

Thus have we now dealt with two of the three beams of man's knowledge, that is, Radius directus, which is referred to nature; Radius refractus, which is referred to God, and cannot report truly because of the inequality of the medium; there resteth Radius reflexus, whereby man beholdeth and contemplateth himself.

We come therefore now to that knowledge whereunto the ancient oracle directeth us, which is the knowledge of ourselves; which deserveth the more accurate handling, by how much it toucheth us more nearly. This knowledge, as it is the end and term of natural philosophy in the intention of man, so, notwithstanding, it is but a portion of natural philosophy in the continent of nature; and generally let this be a rule, that all partitions of knowledges be accepted rather for lines and veins, than for sections and separations; and that the continuance and entireness of knowledge be preserved. For the contrary hereof hath made particular sciences to become barren, shallow, and erroneous, while they have not been nourished and maintained from the common fountain. So we see Cicero the orator complained of Socrates and his school, that he was the first that separated philosophy and rhetoric, whereupon rhetoric became an empty and verbal art. So we may see, that the opinion of Copernicus touching the rotation of the earth, which astronomy itself cannot correct, because it is not repugnant to any of the phænomena, yet natural philosophy may correct. So we see also that the science of medicine, if it be destitute and forsaken by natural philosophy, it is not much better than an empirical practice.

With this reservation therefore we proceed to Human Philosophy, or humanity, which hath two parts: the one considereth man segregate or distributively; the other congregate or in society. So as human philosophy is either simple and particular, or conjugate and civil. Humanity particular consisteth of the same parts whereof man consisteth, that is, of knowledges which respect the body, and of knowledges that respect the mind; but before we distribute so far, it is good to constitute. For I do take the consideration in general, and at large, of human nature to be fit to be emancipated and made a knowledge by itself; not so much in regard of those delightful and elegant discourses which have been made of the dignity of man, of his miseries, of his state and life, and the like adjuncts of his

common and undivided nature; but chiefly in regard of the knowledge concerning the sympathies and concordances between the mind and body, which being mixed, cannot be properly assigned to the sciences of either.

This knowledge hath two branches: for as all leagues and amities consist of mutual intelligence and mutual offices, so this league of mind and body hath these two parts, how the one discloseth the other, and how the one worketh upon the other; Discovery, and Impression.

The former of these hath begotten two arts, both of prediction or prenotion, whereof the one is honoured with the inquiry of Aristotle, and the other of Hippocrates. And although they have of later time been used to be coupled with superstitious and fantastical arts, yet being purged and restored to their true state, they have both of them a solid ground in nature, and a profitable use in life. The first is physiognomy, which discovereth the disposition of the mind by the lineaments of the body. The second is the exposition of natural dreams, which discovereth the state of the body by the imaginations of the mind. In the former of these I note a deficience, for Aristotle hath very ingeniously and diligently handled the factures of the body, but not the gestures of the body, which are no less comprehensible by art, and of greater use and advantage. For the lineaments of the body do disclose the disposition and inclination of the mind in general; but the motions of the countenance and parts do not only so, but do farther disclose the present humour and state of the mind and will. For, as your majesty saith most aptly and elegantly, "As the tongue speaketh to the ear, so the gesture speaketh to the eye." And therefore a number of subtle persons, whose eyes do dwell upon the faces and fashions of men, do well know the advantage of this observation, as being most part of their ability; neither can it be denied but that it is a great discovery of dissimulations, and a great direction in business.

Pars physiognomica, de gestu sive motu corporis.

The latter branch, touching impression, hath not been collected into art, but hath been handled disjunctly; and it hath the same relation or anticatastrophe that the former hath. For the consideration is double; "Either how, and how far the humours and effects of the body do alter or work upon the mind; or again, How, and how far the passions or apprehensions of the mind do alter or work upon the body." The former of these hath been inquired and considered, as a part and appendix of medicine, but much more as a part of religion or superstition: for the physician prescribeth cures of the mind in frenzies and melancholy passions, and pretendeth also to exhibit medicines to exhilarate the mind, to confirm the courage, to clarify the wits, to corroborate the memory, and the like: but the scruples and superstitions of diet, and other regiment of the body, in the sect of the Pythagoreans, in the heresy of the Manicheans, and in the law of Mahomet, do reveal: so likewise the ordinances in the ceremonial law, interdicting the eating of the blood and the fat, distinguishing between beasts clean and unclean for meat, are many and strict. Nay the faith itself, being clear and serene from all clouds of ceremony, yet retaineth the use of fastings, abstinences, and other macerations and humiliations of the body, as things real and not figurative. The root and life of all which prescripts is, besides the ceremony, the consideration of that dependency which the affections of the mind are submitted unto upon the state and disposition of the body. And if any man of weak judgment do conceive, that this suffering of the mind from the body, doth either question the immortality, or derogate from the sovereignty of the soul, he may be taught in easy instances, that the infant in the mother's womb is compatible with the mother, and yet separable; and the most absolute monarch is sometimes led by his servants, and yet without subjection. As for the reciprocal knowledge, which is the operation of the conceits and passions of the mind upon the body; we see all wise physicians, in the prescriptions of their regiments to their patients, do ever consider accidentia animi, as of great force to further or hinder remedies, or recoveries; and more especially it is an inquiry of great depth and worth concerning imagination, how, and how far it altereth the body proper of the imaginant. For although it hath a manifest power to hurt, it followeth not it hath the same degree of power to help; no more than a man can conclude, that because there be pestilent airs, able suddenly to kill a man in health, therefore there should be sovereign airs, able suddenly to cure a man in sickness. But the inquisition of this part is of great use, though it needeth, as Socrates said, "a Delian diver," being difficult and profound. But unto all this knowledge de communi vinculo, of the concordances between the mind and the body, that part of inquiry is most necessary, which considereth of the seats and domiciles which the several faculties of the mind do take and occupate in the organs of the body; which knowledge hath been attempted, and is controverted, and deserveth to be much better inquired. For the opinion of Plato, who placed the understanding in the brain, animosity (which he did unfitly call anger, having a greater mixture with pride) in the heart, and concupiscence or sensuality in the liver, deserveth not to be despised, but much less to be allowed. So then we have constituted, as in our own wish and advice, the inquiry touching human nature entire, as a just portion of knowledge to be handled apart.

The knowledge that concerneth man's Body, is divided as the good of man's body is divided, unto which it referreth. The good of man's body is of four kinds, health, beauty, strength, and pleasure: so the knowledges are medicine, or art of cure; art of decoration, which is called cosmetic; art of activity, which is called athletic; and art voluptuary, which Tacitus truly calleth "eruditus luxus." This subject of man's body is of all other things in nature most susceptible of remedy; but then that remedy is most susceptible of error. For the same subtilty of the subject doth cause large possibility, and easy failing; and therefore the inquiry ought to be the more exact.

To speak therefore of medicine, and to resume that we have said, ascending a little higher; the ancient opinion that man was microcosmus, an abstract or model of the world, hath been fantastically strained by Paracelsus and the alchemists, as if there were to be found in man's body certain correspondences and parallels, which should have respect to all varieties of things, as stars, planets, minerals, which are extant in the great world. But thus much is evidently true, that of all substances which nature hath produced, man's body is the most extremely compounded. For we see herbs and plants are nourished by earth and water; beasts for the most part by herbs and fruits; man by the flesh of beasts, birds, fishes, herbs, grains, fruits, water, and the manifold alterations, dressings, and preparations of these several bodies, before they come to be his food and aliment. Add hereunto, that beasts have a more simple order of life, and less change of affections to work upon their bodies; whereas man, in his mansion, sleep, exercise, passions, hath infinite variations; and it cannot be denied, but that the body of man of all other things is of the most compounded mass. The soul on the other side is the simplest of substances, as is well expressed;

"——— Purumque reliquit
Æthereum sensum, atque auraï simplicis ignem."

So that it is no marvel though the soul so placed enjoy no rest, if that principle be true, that "Motus rerum est rapidus extra locum, placidus in loco." But to the purpose: this variable composition of man's body hath made it an instrument easy to distemper, and therefore the poets did well to conjoin music and medicine in Apollo, because the office of medicine is but to tune this curious harp of man's body, and to reduce it to harmony. So then the subject being so variable, hath made the art by consequence more conjectural; and the art being conjectural, hath made so much the more place to be left for imposture. For almost all other arts and sciences are judged by acts or master-pieces, as I may term them, and not by the successes and events. The lawyer is judged by the virtue of his pleading, and not by the issue of the cause. The master of the ship is judged by the directing his course aright, and not by the fortune of the voyage. But the physician, and perhaps the politician, hath no particular acts demonstrative of his ability, but is judged most by the event; which is ever but as it is taken: for who can tell, if a patient die or recover, or if a state be preserved or ruined, whether it be art or accident? And therefore many times the impostor is prized, and the man of virtue taxed. Nay, we see the weakness and credulity of men is such, as they will often prefer a mountebank or witch before a learned physician. And therefore the poets were clear-sighted in discerning this extreme folly, when they made Æsculapius and Circe brother and sister, both children of the sun, as in the verses, En. vii. 772.

"Ipse repertorem medicinæ talis et artis
Fulmine Phœbigenam Stygias detrusit ad undas:"

And again, Æn. vii. 11.

"Dives inaccessos ubi solis filia lucos," etc.

For in all times, in the opinion of the multitude, witches, and old women, and impostors, have had a competition with physicians. And what followeth? Even this; that physicians say to themselves, as Solomon expresseth it upon a higher occasion; "If it befall to me, as befalleth to the fools, why should I labour to be more wise?" And therefore I cannot much blame physicians, that they use commonly to intend some other art or practice, which they fancy more than their profession. For you shall have of them, antiquaries, poets, humanists, statesmen, merchants, divines, and in every of these better seen than in their profession; and no doubt, upon this ground, that they find that mediocrity and excellency in their art maketh no difference in profit or reputation towards their fortune; for the weakness of patients, and sweetness of life, and nature of hope, maketh men depend on physicians with all their defects. But, nevertheless, these things, which we have spoken of, are courses begotten between a little occasion, and a great deal of sloth and default; for if we will excite and awake our observation, we shall see, in familiar instances, what a predominant faculty the subtilty of spirit hath over the variety of matter or form: nothing more variable than faces and countenances, yet men can bear in memory the infinite distinctions of them; nay, a painter with a few shells of colours, and the benefit of his eye, and habit of his imagination, can imitate them all that ever have been, are, or may be, if they were brought before him. Nothing more variable than voices, yet men can likewise discern them personally; nay, you shall have a buffoon, or pantomimus, will express as many as he pleaseth. Nothing more variable than the differing sounds of words, yet men have found the way to reduce them to a few simple letters. So that it is not the insufficiency or incapacity of man's mind but it is the remote standing or placing thereof, that breedeth these mazes and incomprehensions: for as the sense afar off is full of mistaking, but is exact at hand, so is it of the understanding; the remedy whereof is not to quicken or strengthen the organ but to go nearer to the object; and therefore there is no doubt, but if the physicians will learn and use the true approaches and avenues of nature, they may assume as much as the poet saith:

"Et quoniam variant morbi, variabimus artes:
Mille mali species, mille salutis erunt."

Which that they should do, the nobleness of the art doth deserve, well shadowed by the poets, in that they made Æsculapius to be the son of the Sun, the one being the fountain of life, the other as the second stream; but infinitely more honoured by the example of our Saviour, who made the body of man the object of his miracles, as the soul was the object of his doctrine. For we read not that ever he vouchsafed to do any miracle about honour or money except that one for giving tribute to Cæsar, but only about the preserving, sustaining, and healing the body of man.

Medicine is a science which hath been, as

have said, more professed than laboured, and yet more laboured than advanced; the labour having been, in my judgment, rather in circle than in progression. For I find much iteration, but small addition. It considereth the causes of diseases, with the occasions or impulsions; the diseases themselves, with the accidents; and the cures, with the preservations. The deficiencies which I think good to note, being a few of many, and those such as are of a more open and manifest nature, I will enumerate and not place.

Narrationes medicinales.

The first is the discontinuance of the ancient and serious diligence of Hippocrates, which used to set down a narrative of the special cases of his patients, and how they proceeded, and how they were judged by recovery or death. Therefore having an example proper in the father of the art, I shall not need to allege an example foreign, of the wisdom of the lawyers who are careful to report new cases and decisions for the direction of future judgments. This continuance of Medicinal History I find deficient, which I understand neither to be so infinite as to extend to every common case, nor so reserved, as to admit none but wonders; for many things are new in the manner, which are not new in the kind; and if men will intend to observe, they shall find much worthy to observe.

Anatomia comparata.

In the inquiry which is made by anatomy, I find much deficience: for they inquire of the parts, and their substances, figures, and collocations; but they inquire not of the diversities of the parts, the secrecies of the passages, and the seats or nestlings of the humours, nor much of the footsteps and impressions of diseases; the reason of which omission I suppose to be, because the first inquiry may be satisfied in the view of one or a few anatomies; but the latter, being comparative and casual, must arise from the view of many. And as to the diversity of parts, there is no doubt but the facture or framing of the inward parts is as full of difference as the outward, and in that is the cause continent of many diseases, which not being observed, they quarrel many times with the humours, which are not in fault, the fault being in the very frame and mechanic of the part, which cannot be removed by medicine alterative, but must be accommodated and palliated by diets and medicines familiar. And for the passages and pores, it is true, which was anciently noted, that the more subtile of them appear not in anatomies, because they are shut and latent in dead bodies, though they be open and manifest in life: which being supposed, though the inhumanity of anatomia vivorum was by Celsus justly reproved; yet in regard of the great use of this observation, the inquiry needed not by him so slightly to have been relinquished altogether, or referred to the casual practices of surgery, but might have been well diverted upon dissection of beasts alive, which, notwithstanding the dissimilitude of their parts, may sufficiently satisfy this inquiry. And for the humours, they are commonly passed over in anatomies as purgaments, whereas it is most necessary to observe, what cavities, nests, and receptacles the humours do find in the parts, with the differing kind of the humour so lodged and received. And as for the footsteps of diseases, and their devastations of the inward parts, imposthumations, exulcerations, discontinuations, putrefactions, consumptions, contractions, extensions, convulsions, dislocations, obstructions, repletions, together with all preternatural substances, as stones, carnosities, excrescences, worms, and the like; they ought to have been exactly observed by multitude of anatomies, and the contribution of men's several experiences, and carefully set down, both historically, according to the appearances, and artificially, with a reference to the diseases and symptoms which resulted from them, in case where the anatomy is of a defunct patient: whereas now, upon opening of bodies, they are passed over slightly and in silence.

Inquisitio ulterior de morbis insanabilibus.

In the inquiry of diseases they do abandon the cures of many, some as in their nature incurable, and others as past the period of cure; so that Sylla and the triumvirs never proscribed so many men to die, as they do by their ignorant edicts, whereof numbers do escape with less difficulty, than they did in the Roman proscriptions. Therefore I will not doubt to note as a deficience, that they inquire not the perfect cures of many diseases, or extremities of diseases, but pronouncing them incurable, do enact a law of neglect, and exempt ignorance from discredit.

De euthanasia exteriore.

Nay farther, I esteem it the office of a physician not only to restore health, but to mitigate pain and dolors, and not only when such mitigation may conduce to recovery, but when it may serve to make a fair and easy passage: for it is no small felicity which Augustus Cæsar was wont to wish to himself, that same euthanasia; and which was specially noted in the death of Antoninus Pius, whose death was after the fashion and semblance of a kindly and pleasant sleep. So it is written of Epicurus, that after his disease was judged desperate, he drowned his stomach and senses with a large draught and ingurgitation of wine; whereupon the epigram was made, "Hinc Stygias ebrius hausit aquas:" he was not sober enough to taste any bitterness of the Stygian water. But the physicians, contrariwise, do make a kind of a scruple and religion to stay with the patient after the disease is deplored; whereas, in my judgment, they ought both to inquire the skill, and to give the attendances for the facilitating and assuaging of the pains and agonies of death.

Medicinæ experimentales.

In the consideration of the cures of diseases, I find a deficience in the receipts of propriety, respecting the particular cures of diseases; for the physicians have frustrated the fruit of tradition and experience by their magistralities, in adding, and taking out, and changing quid pro quo, in their receipts, at their pleasures, commanding so over the medicine, as the medicine cannot command over the disease; for except it be treacle, and mithridatum, and of late diascordium, and a few more, they tie themselves to no receipts severely and religiously: for

as to the confections of sale which are in the shops, they are for readiness, and not for propriety; for they are upon general intentions of purging, opening, comforting, altering, and not much appropriated to particular diseases; and this is the cause why empirics and old women are more happy many times in their cures than learned physicians, because they are more religious in holding their medicines. Therefore here is the deficience which I find, that physicians have not, partly out of their own practice, partly out of the constant probations reported in books, and partly out of the traditions of empirics, set down and delivered over certain experimental medicines for the cure of particular diseases, besides their own conjectural and magistral descriptions. For as they were the men of the best composition in the state of Rome, which either being consuls inclined to the people, or being tribunes inclined to the senate; so in the matter we now handle, they be the best physicians, which being learned, incline to the traditions of experience, or being empirics, incline to the methods of learning.

Imitatio naturæ in balneis, et aquis medicinalibus.

In preparation of medicines, I do find strange, especially, considering how mineral medicines have been extolled, and that they are safer for the outward than inward parts, that no man hath sought to make an imitation by art of natural baths, and medicinable fountains: which nevertheless are confessed to receive their virtues from minerals; and not so only, but discerned and distinguished from what particular mineral they receive tincture, as sulphur, vitriol, steel, or the like; which nature, if it may be reduced to compositions of art, both the variety of them will be increased, and the temper of them will be more commanded.

Filium medicinale, sive de vicibus medicinarum.

But lest I grow to be more particular than is agreeable, either to my intention or to proportion; I will conclude this part with the note of one deficience more, which seemeth to me of greatest consequence; which is, that the prescripts in use are too compendious to attain their end; for to my understanding, it is a vain and flattering opinion to think any medicine can be so sovereign, or so happy, as that the receipt or use of it can work any great effect upon the body of man: it were a strange speech, which spoken, or spoken oft, should reclaim a man from a vice to which he were by nature subject; it is order, pursuit, sequence, and interchange of application, which is mighty in nature; which although it require more exact knowledge in prescribing, and more precise obedience in observing, yet is recompensed with the magnitude of effects. And although a man would think by the daily visitations of the physicians, that there were a pursuance in the cure; yet let a man look into their prescripts and ministrations, and he shall find them but inconstancies, and every day's devices, without any settled providence or project; not that every scrupulous or superstitious prescript is effectual, no more than every strait way is the way to heaven, but the truth of the direction must precede severity of observance.

For Cosmetic, it hath parts civil, and parts effeminate: for cleanness of body was ever esteemed to proceed from a due reverence to God, to society, and to ourselves. As for artificial decoration, it is well worthy of the deficiencies which it hath; being neither fine enough to deceive, nor handsome to use, nor wholesome to please.

For Athletic, I take the subject of it largely, that is to say, for any point of ability, whereunto the body of man may be brought, whether it be of activity, or of patience; whereof activity hath two parts, strength and swiftness: and patience likewise hath two parts, hardness against wants and extremities, and endurance of pain and torment, whereof we see the practices in tumblers, in savages, and in those that suffer punishment: nay, if there be any other faculty which falls not within any of the former divisions, as in those that dive, that obtain a strange power of containing respiration, and the like, I refer it to this part. Of these things the practices are known, but the philosophy that concerneth them is not much inquired; the rather, I think, because they are supposed to be obtained, either by an aptness of nature, which cannot be taught, or only by continual custom, which is soon prescribed; which though it be not true, yet I forbear to note any deficiences, for the Olympian games are down long since, and the mediocrity of these things is for use; as for the excellency of them, it serveth for the most part but for mercenary ostentation.

For arts of Pleasure sensual, the chief deficience in them is of laws to repress them. For as it hath been well observed, that the arts which flourish in times while virtue is in growth, are military, and while virtue is in state, are liberal, and while virtue is in declination, are voluptuary; so I doubt, that this age of the world is somewhat upon the descent of the wheel. With arts voluptuary I couple practices jocular; for the deceiving of the senses is one of the pleasures of the senses. As for games of recreation, I hold them to belong to civil life and education. And thus much of that particular human philosophy which concerns the body, which is but the tabernacle of the mind.

For Human Knowledge, which concerns the Mind, it hath two parts, the one that inquireth of the substance or nature of the soul or mind; the other that inquireth of the faculties or functions thereof.

Unto the first of these, the considerations of the original of the soul, whether it be native or adventive, and how far it is exempted from laws of matter, and of the immortality thereof, and many other points, do appertain; which have been not more laboriously inquired than variously reported; so as the travail therein taken seemeth to have been rather in a maze than in a way. But although I am of opinion, that this knowledge may be more really and soundly inquired even in nature than it hath been; yet I hold, that in the end it must be bounded by religion, or else it will be subject to deceit and delusion: for as the substance of the soul in the creation was not extracted out of the mass of heaven

and earth, by the benediction of a producat, but was immediately inspired from God; so it is not possible that it should be, otherwise than by accident, subject to the laws of heaven and earth, which are the subject of philosophy; and therefore the true knowledge of the nature and state of the soul, must come by the same inspiration that gave the substance. Unto this part of knowledge touching the soul there be two appendixes, which, as they have been handled, have rather vapoured forth fables than kindled truth, divination, and fascination.

Divination hath been anciently and fitly divided into artificial and natural; whereof artificial is, when the mind maketh a prediction by argument, concluding upon signs and tokens: natural is, when the mind hath a presentation by an internal power, without the inducement of a sign. Artificial is of two sorts, either when the argument is coupled with a derivation of causes, which is rational; or when it is only grounded upon a coincidence of the effect, which is experimental; whereof the latter for the most part is superstitious; such as were the heathen observations upon the inspection of sacrifices, the flights of birds, the swarming of bees, and such as was the Chaldean astrology, and the like. For artificial divination, the several kinds thereof are distributed amongst particular knowledges. The astronomer hath his predictions, as of conjunctions, aspects, eclipses, and the like. The physician hath his predictions, of death, of recovery, of the accidents and issues of diseases. The politician hath his predictions; "O urbem venalem, et cito perituram, si emptorem invenerit!" which stayed not long to be performed in Sylla first, and after in Cæsar; so as these predictions are now impertinent, and to be referred over. But the divination which springeth from the internal nature of the soul, is that which we now speak of, which hath been made to be of two sorts, primitive, and by influxion. Primitive is grounded upon the supposition, that the mind, when it is withdrawn and collected into itself, and not diffused into the organs of the body, hath some extent and latitude of prenotion, which therefore appeareth most in sleep, in ecstasies, and near death, and more rarely in waking apprehensions; and is induced and furthered by those abstinences and observances which make the mind most to consist in itself. By influxion, is grounded upon the conceit that the mind, as a mirror or glass, should take illumination from the foreknowledge of God and spirits; unto which the same regiment doth likewise conduce. For the retiring of the mind within itself, is the state which is most susceptible of divine influxions, save that it is accompanied in this case with a fervency and elevation, which the ancients noted by fury, and not with a repose and quiet, as it is in the other.

Fascination is the power and act of imagination more intensive upon other bodies than the body of the imaginant: for of that we speak in the proper place; wherein the school of Paracelsus, and the disciples of pretended natural magic, have been so intemperate, as they have exalted the power of the imagination to be much one with the power of miracle-working faith; others, that draw nearer to probability, calling to their view the secret passages of things, and especially of the contagion that passeth from body to body, do conceive it should likewise be agreeable to nature, that there should be some transmissions and operations from spirit to spirit without the mediation of the senses; whence the conceits have grown, now almost made civil, of the mastering spirit, and the force of confidence, and the like. Incident unto this is the inquiry how to raise and fortify the imagination; for if the imagination fortified have power, then it is material to know how to fortify and exalt it. And herein comes in crookedly and dangerously, a palliation of a great part of ceremonial magic. For it may be pretended, that ceremonies, characters, and charms, do work, not by any tacit or sacramental contract with evil spirits, but serve only to strengthen the imagination of him that useth it; as images are said by the Roman church to fix the cogitations, and raise the devotions of them that pray before them. But for mine own judgment, if it be admitted that imagination hath power, and that ceremonies fortify imagination, and that they be used sincerely and intentionally for that purpose; yet I should hold them unlawful, as opposing to that first edict which God gave unto man, "In sudore vultûs comedes panem tuum." For they propound those noble effects, which God hath set forth unto man to be bought at the price of labour, to be attained by a few easy and slothful observances. Deficiencies in these knowledges I will report none, other than the general deficience, that it is not known how much of them is verity, and how much vanity.

The knowledge which respecteth the faculties of the mind of man, is of two kinds: the one respecting his understanding and reason, and the other his will, appetite, and affection; whereof the former produceth direction or decree, the latter action or execution. It is true that the imagination is an agent or nuncius in both provinces, both the judicial and the ministerial. For sense sendeth over to imagination before reason have judged, and reason sendeth over to imagination before the decree can be acted: for imagination ever precedeth voluntary motion, saving that this Janus of imagination hath differing faces; for the face towards reason hath the print of truth, but the face towards action hath the print of good, which nevertheless are faces,

"Quales decet esse sororum."

Neither is the imagination simply and only a messenger, but is invested with, or at leastwise usurpeth no small authority in itself, besides the duty of the message. For it was well said by Aristotle, "That the mind hath over the body that commandment, which the lord hath over a bondman; but that reason hath over the imagination that commandment which a magistrate hath over a free citizen," who may come also to rule in his turn. For we see that, in matters of faith and religion, we raise our imagination above our reason, which is the cause why religion sought ever access to the mind by similitudes, types, parables, visions, dreams. And

again, in all persuasions, that are wrought by eloquence, and other impressions of like nature, which do paint and disguise the true appearance of things, the chief recommendation unto reason is from the imagination. Nevertheless, because I find not any science that doth properly or fitly pertain to the imagination, I see no cause to alter the former division. For as for poesy, it is rather pleasure, or play of imagination, than a work or duty thereof. And if it be a work, we speak not now of such parts of learning as the imagination produceth, but of such sciences as handle and consider of the imagination; no more than we shall speak now of such knowledges as reason produceth, for that extendeth to all philosophy, but of such knowledges as do handle and inquire of the faculty of reason; so as poesy had its true place. As for the power of the imagination in nature, and the manner of fortifying the same, we have mentioned it in the doctrine "De animâ," whereunto most fitly it belongeth: and lastly, for imaginative or insinuative reason, which is the subject of rhetoric, we think it best to refer it to the arts of reason. So therefore we content ourselves with the former division, that Human Philosophy, which respecteth the faculties of the mind of man, hath two parts, Rational and Moral.

The part of Human Philosophy which is Rational, is of all knowledges, to the most wits, the least delightful, and seemeth but a net of subtilty and spinosity: for as it was truly said, that knowledge is "pabulum animi;" so in the nature of men's appetite to this food, most men are of the taste and stomach of the Israelites in the desert, that would fain have returned "ad ollas carnium," and were weary of manna; which though it were celestial, yet seemed less nutritive and comfortable. So generally men taste well knowledges that are drenched in flesh and blood, civil history, morality, policy, about the which men's affections, praises, fortunes, do turn and are conversant; but this same "lumen siccum" doth parch and offend most men's watery and soft natures. But to speak truly of things as they are in worth, "rational knowledges" are the keys of all other arts; for as Aristotle saith aptly and elegantly, "That the hand is the instrument of instruments, and the mind is the form of forms;" so these be truly said to be the art of arts; neither do they only direct, but likewise confirm and strengthen: even as the habit of shooting doth not only enable to shoot a nearer shoot, but also to draw a stronger bow.

The arts intellectual are four in number, divided according to the ends whereunto they are referred; for man's labour is to invent that which is sought or propounded; or to judge that which is invented; or to retain that which is judged; or to deliver over that which is retained. So as the arts must be four; art of inquiry or invention; art of examination or judgment; art of custody or memory; and art of elocution or tradition.

Invention is of two kinds, much differing; the one of arts and sciences, and the other of speech and arguments. The former of these I do report deficient; which seemeth to me to be such a deficience, as if in the making of an inventory, touching the estate of a defunct, it should be set down, That there is no ready money. For as money will fetch all other commodities, so this knowledge is that which should purchase all the rest. And like as the West-Indies had never been discovered, if the use of the mariner's needle had not been first discovered, though the one be vast regions, and the other a small motion; so it cannot be found strange, if sciences be no further discovered, if the art itself of invention and discovery hath been passed over.

That this part of knowledge is wanting, to my judgment, standeth plainly confessed: for first, logic doth not pretend to invent sciences, or the axioms of sciences, but passeth it over with a cuique in sua arte credendum. And Celsus asknowledgeth it gravely, speaking of the empirical and dogmatical sects of physicians, "That medicines and cures were first found out, and then after the reasons and causes were discoursed; and not the causes first found out, and by light from them the medicines and cures discovered." And Plato, in his Theætetus, noteth well, "That particulars are infinite, and the higher generalities give no sufficient direction; and that the pith of all sciences, which maketh the artsman differ from the inexpert, is in the middle propositions, which in every particular knowledge are taken from tradition and experience." And therefore we see, that they which discourse of the inventions and originals of things, refer them rather to chance than to art, and rather to beasts, birds, fishes, serpents, than to men.

> "Dictamnum genetrix Cretæa carpit ab Ida,
> Puberibus caulem foliis, et flore comantem
> Purpureo: non illa feris incognita capris,
> Gramina cum tergo volucres hæsere sagittæ."

So that it was no marvel, the manner of antiquity being to consecrate inventors, that the Ægyptians had so few human idols in their temples, but almost all brute;

> "Omnigenumque Deum monstra, et latrator Anubis,
> Contra Neptunum, et Venerem, contraque Minervam," etc.

And if you like better the tradition of the Grecians, and ascribe the first inventions to men, yet you will rather believe that Prometheus first struck the flints, and marvelled at the spark, than that when he first struck the flints he expected the spark; and therefore we see the West-Indian Prometheus had no intelligence with the European, because of the rareness with them of flint, that gave the first occasion: so as it should seem, that hitherto men are rather beholden to a wild goat for surgery, or to a nightingale for music, or to the ibis for some part of physic, or to the potlid that flew open for artillery, or generally to chance, or any thing else, than to logic, for the invention of arts and sciences. Neither is the form of invention which Virgil describeth much other.

> "Ut varias usus meditando extunderet artes
> Paulatim."

For if you observe the words well, it is no other method than that which brute beasts are capable of and do put in use: which is a perpetual intending

or practising some one thing, urged and imposed by an absolute necessity of conservation of being; for so Cicero saith very truly, "Usus uni rei deditus, et naturam et artem sæpe vincit." And therefore if it be said of men,

"Labor omnia vincit
Improbus, et duris urgens in rebus egestas;"

it is likewise said of beasts, "Quis psittaco docuit suum χαῖρε;" Who taught the raven in a drought to throw pebbles into a hollow tree, where she espied water, that the water might rise so as she might come to it? Who taught the bee to sail through such a vast sea of air, and to find the way from a field in flower a great way off, to her hive? Who taught the ant to bite every grain of corn that she buriethin her hill lest it should take root and grow? Add then the word extundere, which importeth the extreme difficulty; and the word paulatim, which importeth the extreme slowness; and we are where we were, even amongst the Ægyptian gods; there being little left to the faculty of reason, and nothing to the duty of art, for matter of invention.

Secondly, the induction which the logicians speak of, and which seemeth familiar with Plato, whereby the principles of sciences may be pretended to be invented, and so the middle propositions by derivation from the principles; their form of induction, I say, is utterly vicious and incompetent; wherein their error is the fouler, because it is the duty of art to perfect and exalt nature; but they contrariwise have wronged, abused, and traduced nature. For he that shall attentively observe how the mind doth gather this excellent dew of knowledge, like unto that which the poet speaketh of, "Aërei mellis cœlestia dona," distilling and contriving it out of particulars natural and artificial, as the flowers of the field and garden, shall find, that the mind of herself by nature doth manage and act an induction much better than they describe it. For to conclude upon an enumeration of particulars without instance contradictory, is no conclusion, but a conjecture; for who can assure, in many subjects, upon those particulars which appear of a side, that there are not other on the contrary side which appear not. As if Samuel should have rested upon those sons of Jesse, which were brought before him, and failed of David which was in the field. And this form, to say truth, is so gross, as it had not been possible for wits so subtile, as have managed these things, to have offered it to the world, but that they hasted to their theories and dogmaticals, and were imperious and scornful toward particulars, which their manner was to use but as lictores and viatores, for servants and whifflers, ad summovendam turbam, to make way and make room for their opinions, rather than in their true use and service: certainly it is a thing may touch a man with a religious wonder to see how the footsteps of seducement are the very same in divine and human truth; for as in divine truth man cannot endure to become as a child; so in human, they reputed the attending the inductions, whereof we speak, as if it were a second infancy or childhood.

Thirdly, allow some principles or axioms were rightly induced, yet nevertheless certain it is that middle propositions cannot be deduced from them in subject of nature by syllogism, that is, by touch and reduction of them to principles in a middle term. It is true that in sciences popular, as moralities, laws, and the like; yea, and divinity, because it pleaseth God to apply himself to the capacity of the simplest, that form may have use, and in natural philosophy likewise, by way of argument or satisfactory reason, "Quæ assensum parit, operis effœta est;" but the subtilty of nature and operations will not be enchained in those bonds; for arguments consist of propositions, and propositions of words, and words are but the current tokens or marks of popular notions of things; which notions, if they be grossly and variably collected out of particulars, it is not the laborious examination either of consequences of arguments, or of the truth of propositions, that can ever correct that error, being, as the physicians speak, in the first digestion; and therefore it was not without cause, that so many excellent philosophers became sceptics and academics, and denied any certainty of knowledge or comprehension, and held opinion, that the knowledge of man extended only to appearances and probabilities. It is true that in Socrates it was supposed to be but a form of irony, "Scientiam dissimulando simulavit:" for he used to disable his knowledge, to the end to enhance his knowledge, like the humour of Tiberius in his beginnings, that would reign, but would not acknowledge so much; and in the later academy, which Cicero embraced, this opinion also of acatalepsia, I doubt, was not held sincerely: for that all those which excelled in copy of speech, seem to have chosen that sect as that which was fittest to give glory to their eloquence, and variable discourses; being rather like progresses of pleasure, than journeys to an end. But assuredly many scattered in both academies did hold it in subtilty and integrity. But here was their chief error; they charged the deceit upon the senses, which in my judgment, notwithstanding all their cavillations, are very sufficient to certify and report truth, though not always immediately, yet by comparison, by help of instrument, and by producing and urging such things as are too subtile for the sense, to some effect comprehensible by the sense, and other like assistance. But they ought to have charged the deceit upon the weakness of the intellectual powers, and upon the manner of collecting and concluding upon the reports of the senses. This I speak not to disable the mind of man, but to stir it up to seek help: for no man, be he never so cunning or practised, can make a straight line or perfect circle by steadiness of hand, which may be easily done by help of a ruler or compass.

Experientia literata, et interpretatio naturæ.

This part of invention, concerning the invention of sciences, I purpose, if God give me leave, hereafter to propound, having digested it into two parts; whereof the one I term experientia literata, and the other interpretatio naturæ: the former being but a degree and rudiment of the latter. But

I will not dwell too long, nor speak too great upon a promise.

The invention of speech or argument is not properly an invention; for to invent, is to discover that we know not, and not to recover or resummon that which we already know; and the use of this invention is no other, but out of the knowledge, whereof our mind is already possessed, to draw forth or call before us that which may be pertinent to the purpose which we take into our consideration. So as, to speak truly, it is no invention, but a remembrance or suggestion, with an application; which is the cause why the schools do place it after judgment, as subsequent and not precedent. Nevertheless, because we do account it a chace, as well of deer in an enclosed park, as in a forest at large, and that it hath already obtained the name; let it be called invention, so as it be perceived and discerned that the scope and end of this invention is readiness and present use of our knowledge, and not addition or amplification thereof.

To procure this ready use of knowledge there are two courses, preparation and suggestion. The former of these seemeth scarcely a part of knowledge, consisting rather of diligence than of any artificial erudition. And herein Aristotle wittily, but hurtfully, doth deride the sophists near his time, saying, "They did as if one that professed the art of shoemaking should not teach how to make a shoe, but only exhibit in a readiness a number of shoes of all fashions and sizes." But yet a man might reply, that if a shoemaker should have no shoes in his shop, but only work as he is bespoken, he should be weakly customed. But our Saviour, speaking of divine knowledge, saith, "that the kingdom of heaven is like a good householder, that bringeth forth both new and old store:" and we see the ancient writers of rhetoric do give it in precept that pleaders should have the places whereof they have most continual use, ready handled in all the variety that may be; as that, to speak for the literal interpretation of the law against equity, and contrary; and to speak for presumptions and inferences against testimony, and contrary. And Cicero himself, being broken unto it by great experience, delivereth it plainly; that whatsoever a man shall have occasion to speak of, if he will take the pains, he may have it in effect premeditate, and handled in thesi: so that when he cometh to a particular, he shall have nothing to do, but to put to names, and times, and places, and such other circumstances of individuals. We see likewise the exact diligence of Demosthenes, who in regard of the great force that the entrance and access into causes hath to make a good impression, had ready framed a number of prefaces for orations and speeches. All which authorities and precedents may overweigh Aristotle's opinion, that would have us change a rich wardrobe for a pair of shears.

But the nature of the collection of this provision or preparatory store, though it be common both to logic and rhetoric, yet having made an entry of it here, where it came first to be spoken of, I think fit to refer over the farther handling of it to rhetoric.

The other part of invention, which I term suggestion, doth assign and direct us to certain marks or places, which may excite our mind to return and produce such knowledge, as it hath formerly collected, to the end we may make use thereof. Neither is this use, truly taken, only to furnish argument to dispute probably with others, but likewise to minister unto our judgment to conclude aright within ourselves. Neither may these places serve only to prompt our invention, but also to direct our inquiry. For a faculty of wise interrogating is half a knowledge. For as Plato saith, "Whosoever seeketh, knoweth that which he seeketh for in a general notion, else how shall he know it when he hath found it?" And therefore the larger your anticipation is, the more direct and compendious is your search. But the same places which will help us what to produce of that which we know already, will also help us, if a man of experience were before us, what questions to ask: or, if we have books and authors to instruct us, what points to search and revolve: so as I cannot report, that this part of invention, which is that which the schools call topics, is deficient.

Nevertheless topics are of two sorts, general and special. The general we have spoken to, but the particular hath been touched by some, but rejected generally as inartificial and variable. But leaving the humour which hath reigned too much in the schools, which is, to be vainly subtile in a few things which are within their command, and to reject the rest, I do receive particular topics, that is, places or directions of invention and inquiry in every particular knowledge, as things of great use, being mixtures of logic with the matter of sciences: for to these it holdeth, "Ars inveniendi adolescit cum inventis;" for as in going of a way, we do not only gain that part of the way which is passed, but we gain the better sight of that part of the way which remaineth; so every degree of proceeding in science giveth a light to that which followeth, which light if we strengthen, by drawing it forth into questions or places of inquiry, we do greatly advance our pursuit.

Now we pass unto the arts of judgment, which handle the natures of proofs and demonstrations, which as to induction hath a coincidence with invention: for in all inductions, whether in good or vicious form, the same action of the mind which inventeth, judgeth; all one as in the sense: but otherwise it is in proof by syllogism; for the proof being not immediate, but by mean, the invention of the mean is one thing, and the judgment of the consequences is another: the one exciting only, the other examining. Therefore, for the real and exact form of judgment, we refer ourselves to that which we have spoken of interpretation of nature.

For the other judgment by syllogism, as it is a thing most agreeable to the mind of man, so it hath been vehemently and excellently laboured; for the nature of man doth extremely covet to have something fixed and unmovable and as a rest and support of the mind. And therefore as Aristotle endeavoureth to prove, that in all

motion there is some point quiescent; and as he elegantly expoundeth the ancient fable of Atlas, that stood fixed, and bare up the heaven from falling, to be meant of the poles or axle-tree of heaven, whereupon the conversion is accomplished; so assuredly men have a desire to have an Atlas or axle-tree within, to keep them from fluctuation, which is like to a perpetual peril of falling: therefore men did hasten to set down some principles about which the variety of their disputations might turn.

So then this art of judgment is but the reduction of propositions to principles in a middle term. The principles to be agreed by all, and exempted from argument: the middle term to be elected at the liberty of every man's invention: the reduction to be of two kinds, direct and inverted; the one when the proposition is reduced to the principle, which they term a probation ostensive; the other, when the contradictory of the proposition is reduced to the contradictory of the principle, which is that which they call per incommodum, or pressing an absurdity; the number of middle terms to be as the proposition standeth degrees more or less removed from the principle.

But this art hath two several methods of doctrine, the one by way of direction, the other by way of caution; the former frameth and setteth down a true form of consequence, by the variations and deflections from which errors and inconsequences may be exactly judged. Toward the composition and structure of which form it is incident to handle the parts thereof, which are propositions, and the parts of propositions, which are simple words; and this is that part of logic which is comprehended in the analytics.

The second method of doctrine was introduced for expedite use and assurance' sake; discovering the more subtile forms of sophisms and illaqueations, with their redargutions, which is that which is termed Elenches. For although in the more gross sorts of fallacies it happeneth, as Seneca maketh the comparison well, as in juggling feats, which though we know not how they are done, yet we know well it is not as it seemeth to be, yet the more subtile sort of them doth not only put a man besides his answer, but doth many times abuse his judgment.

This part concerning Elenches is excellently handled by Aristotle in precept, but more excellently by Plato in example; not only in the persons of the sophists, but even in Socrates himself, who professing to affirm nothing, but to infirm that which was affirmed by another, hath exactly expressed all the forms of objection, fallacy, and redargution. And although we have said that the use of this doctrine is for redargution; yet it is manifest, the degenerate and corrupt use is for caption and contradiction, which passeth for a great faculty, and no doubt is of very great advantage, though the difference be good which was made between orators and sophisters, that the one is as the greyhound, which hath his advantage in the race, and the other as the hare, which hath her advantage in the turn, so as it is the advantage of the weaker creature.

But yet farther, this doctrine of Elenches hath a more ample latitude and extent, than is perceived; namely, unto divers parts of knowledge; whereof some are laboured, and others omitted. For first, I conceive, though it may seem at first somewhat strange, that that part which is variably referred, sometimes to logic, sometimes to metaphysic, touching the common adjuncts of essences, is but an elenche; for the great sophism of all sophisms being equivocation or ambiguity of words and phrase, especially of such words as are most general and intervene in every inquiry; it seemeth to me that the true and fruitful uses, leaving vain subtilties and speculations, of the inquiry of majority, minority, priority, posteriority, identity, diversity, possibility, act, totality, parts, existence, privation, and the like, are but wise cautions against ambiguities of speech. So again, the distribution of things into certain tribes, which we call categories or predicaments, are but cautions against the confusion of definitions and divisions.

Secondly, there is a seducement that worketh by the strength of the impression, and not by the subtilty of the illaqueation, not so much perplexing the reason, as over-ruling it by power of the imagination. But this part I think more proper to handle, when I shall speak of rhetoric.

But lastly, there is yet a much more important and profound kind of fallacies in the mind of man, which I find not observed or inquired at all, and think good to place here, as that which of all others appertaineth most to rectify judgment: the force whereof is such, as it doth not dazzle or snare the understanding in some particulars, but doth more generally and inwardly infect and corrupt the state thereof. For the mind of man is far from the nature of a clear and equal glass, wherein the beams of things should reflect according to their true incidence; nay, it is rather like an enchanted glass, full of superstition and imposture, if it be not delivered and reduced. For this purpose, let us consider the false appearances that are imposed upon us by the general nature of the mind, beholding them in an example or two; as first in that instance which is the root of all superstition, namely, that to the nature of the mind of all men it is consonant for the affirmative or active to effect more than the negative or privative. So that a few times hitting, or presence, countervails ofttimes failing, or absence; as was well answered by Diagoras to him that showed him, in Neptune's temple, the great number of pictures of such as had escaped shipwreck, and had paid their vows to Neptune, saying, "Advise now, you that think it folly to invocate Neptune in tempest." "Yea, but," saith Diagoras, "where are they painted that are drowned?" Let us behold it in another instance, namely, "That the spirit of man, being of an equal and uniform substance, doth usually suppose and feign in nature a greater equality and uniformity than is in truth." Hence it cometh, that the mathematicians cannot satisfy themselves, except they reduce the motions of the celestial bodies to perfect circles, rejecting spiral lines, and labouring to be discharged of eccen-

trics. Hence it cometh, that whereas there are many things in nature, as it were, monodica, sui juris; yet the cogitations of man do feign unto them relatives, parallels, and conjugates, whereas no such thing is; as they have feigned an element of fire to keep square with earth, water, and air, and the like: nay, it is not credible, till it be opened, what a number of fictions and fantasies, the similitude of human actions and arts, together with the making of man communis mensura, have brought into natural philosophy, not much better than the heresy of the Anthropomorphites, bred in the cells of gross and solitary monks, and the opinion of Epicurus, answerable to the same in heathenism, who supposed the gods to be of human shape. And therefore Velleius the Epicurean needed not to have asked, why God should have adorned the heavens with stars, as if he had been an Ædilis; one that should have set forth some magnificent shows or plays. For if that great work-master had been of an human disposition, he would have cast the stars into some pleasant and beautiful works and orders, like the frets in the roofs of houses; whereas one can scarce find a posture in square, or triangle, or straight line, amongst such an infinite number; so differing an harmony there is between the spirit of man, and the spirit of nature.

Let us consider, again, the false appearances imposed upon us, by every man's own individual nature and custom, in that feigned supposition that Plato maketh of the cave; for certainly, if a child were continued in a grot or cave under the earth until maturity of age, and came suddenly abroad, he would have strange and absurd imaginations. So in like manner, although our persons live in the view of heaven, yet our spirits are included in the caves of our own complexions and customs, which minister unto us infinite errors and vain opinions, if they be not recalled to examination. But hereof we have given many examples in one of the errors, or peccant humours, which we ran briefly over in our first book.

And lastly, let us consider the false appearances that are imposed upon us by words, which are framed and applied according to the conceit and capacities of the vulgar sort; and although we think we govern our words, and prescribe it well, "Loquendum ut vulgus, sentiendum ut sapientes;" yet certain it is, that words, as a Tartar's bow, do shoot back upon the understanding of the wisest, and mightily entangle and pervert the judgment; so as it is almost necessary in all controversies and disputations, to imitate the wisdom of the mathematics, in setting down in the very beginning the definitions of our words and terms, that others may know how we accept and understand them, and whether they concur with us or no. For it cometh to pass, for want of this, that we are sure to end there where we ought to have begun, which is in questions and differences about words. To conclude therefore, it must be confessed that it is not possible to divorce ourselves from these fallacies and false appearances, because they are inseparable from our nature and condition of life; so yet nevertheless the caution of them, for all elenches, as was said, are but cautions, doth extremely import the true conduct of human judgment. The particular elenches of cautions against these three false appearances, I find altogether deficient.

Elenchi magni, sive de idolis animi humani nativis et adventitiis.

There remaineth one part of judgment of great excellency, which to mine understanding is so slightly touched, as I may report that also deficient; which is, the application of the differing kinds of proofs to the differing kinds of subjects; for there being but four kinds of demonstrations, that is, by the immediate consent of the mind or sense, by induction, by syllogism, and by congruity; which is that which Aristotle calleth demonstration in orb, or circle, and not a notioribus; every of these hath certain subjects in the matter of sciences, in which respectively they have chiefest use; and certain others from which respectively they ought to be excluded; and the rigour and curiosity in requiring the more severe proofs in some things, and chiefly the facility in contenting ourselves with the more remiss proofs in others, hath been amongst the greatest causes of detriment and hinderance to knowledge, the distributions and assignations of demonstrations, according to the analogy of sciences, I note as deficient.

De analogia demonstrationum.

The custody or retaining of knowledge is either in writing or memory; whereof writing hath two parts, the nature of the character, and the order of the entry: for the art of characters, or other visible notes of words or things, it hath nearest conjugation with grammar; and therefore I refer it to the due place: for the disposition and collocation of that knowledge which we preserve in writing, it consisteth in a good digest of common-places; wherein I am not ignorant of the prejudice imputed to the use of common-place books, as causing a retardation of reading, and some sloth or relaxation of memory. But because it is but a counterfeit thing in knowledges to be forward and pregnant, except a man be deep and full, I hold the entry of common-places to be a matter of great use and essence in studying, as that which assureth copy of invention, and contracteth judgment to a strength. But this is true that of the methods of common-places that I have seen, there is none of any sufficient worth, all of them carrying merely the face of a school, and not of the world, and referring to vulgar matters, and pedantical divisions, without all life, or respect to action.

For the other principal part of the custody of knowledge, which is memory, I find that faculty in my judgment weakly inquired of. An art there is extant of it; but it seemeth to me that there are better precepts than that art and better practices of that art than those received. It is certain that art as it is may be raised to points of ostentation prodigious: but in use, as it is now managed, it is barren, not burdensome nor dangerous to nature memory, as is imagined, but barren; that is, not dexterous to be applied to the serious use of business and occasions. And therefore I make no more estimation of repeating a great number of names or words upon once hearing, or the pouring forth

of a number of verses or rhimes ex tempore, or the making of a satirical simile of every thing, or the turning of every thing to a jest, or the falsifying or contradicting of every thing by cavil, or the like, whereof in the faculties of the mind there is great copia, and such as by device and practice may be exalted to an extreme degree of wonder, than I do of the tricks of tumblers, funambuloes, baladines; the one being the same in the mind, that the other is in the body; matters of strangeness without worthiness.

This art of memory is but built upon two intentions; the one prenotion, the other emblem. Prenotion dischargeth the indefinite seeking of that we would remember, and directeth us to seek in a narrow compass; that is, somewhat that hath congruity with our place of memory. Emblem reduceth conceits intellectual to images sensible, which strike the memory more; out of which axioms may be drawn much better practic than that in use: and besides which axioms, there are divers more touching help of memory, not inferior to them. But I did in the beginning distinguish, not to report those things deficient, which are but only ill managed.

There remaineth the fourth kind of rational knowledge, which is transitive, concerning the expressing or transferring our knowledge to others, which I will term by the general name of tradition or delivery. Tradition hath three parts: the first concerning the organ of tradition; the second, concerning the method of tradition; and the third, concerning the illustration of tradition.

For the organ of tradition, it is either speech or writing: for Aristotle saith well, "Words are the images of cogitations, and letters are the images of words;" but yet it is not of necessity that cogitations be expressed by the medium of words. For whatsoever is capable of sufficient differences, and those perceptible by the sense, is in nature competent to express cogitations. And therefore we see in the commerce of barbarous people, that understand not one another's language, and in the practice of divers that are dumb and deaf, that men's minds are expressed in gestures, though not exactly, yet to serve the turn. And we understand farther, that it is the use of China, and the kingdoms of the high Levant, to write in characters real, which express neither letters nor words in gross, but things or notions; insomuch as countries and provinces, which understand not one another's language, can nevertheless read one another's writings, because the characters are accepted more generally than the languages do extend; and therefore they have a vast multitude of characters, as many, I suppose, as radical words.

These notes of cogitations are of two sorts; the one when the note hath some similitude or congruity with the notion; the other ad placitum, having force only by contract or acceptation. Of the former sort are hieroglyphics and gestures. For as to hieroglyphics, things of ancient use, and embraced chiefly by the Ægyptians, one of the most ancient nations, they are but as continued impresses and emblems. And as for gestures, they are as transitory hieroglyphics, and are to hieroglyphics, as words spoken are to words written, in that they abide not: but they have evermore, as well as the other, an affinity with the things signified; as Periander, being consulted with, how to preserve a tyranny newly usurped, bid the messenger attend and report what he saw him do, and went into his garden and topped all the highest flowers; signifying, that it consisted in the cutting off and keeping low of the nobility and grandees. Ad placitum are the characters real before mentioned, and words: although some have been willing by curious inquiry, or rather by apt feigning, to have derived imposition of names from reason and intendment; a speculation elegant, and, by reason it searcheth into antiquity, reverent; but sparingly mixed with truth, and of small fruit. This portion of knowledge, touching the notes of things, and cogitations in general, I find not inquired, but deficient. And although it may seem of no great use, considering that words and writings by letters do far excel all the other ways; yet because this part concerneth, as it were, the mint of knowledge, for words are the tokens current and accepted for conceits, as moneys are for values, and that it is fit men be not ignorant that moneys may be of another kind than gold and silver, I thought to propound it to better inquiry.

De notis rerum.

Concerning speech and words, the consideration of them hath produced the science of Grammar; for man still striveth to reintegrate himself in those benedictions, from which by his fault he hath been deprived; and as he hath striven against the first general curse, by the invention of all other arts; so hath he sought to come forth of the second general curse, which was the confusion of tongues, by the art of grammar, whereof the use in a mother tongue is small; in a foreign tongue more; but most in such foreign tongues as have ceased to be vulgar tongues, and are turned only to learned tongues. The duty of it is of two natures; the one popular, which is for the speedy and perfect attaining languages, as well for intercourse of speech, as for understanding of authors; the other philosophical, examining the power and nature of words, as they are the footsteps and prints of reason: which kind of analogy between words and reason is handled sparsim, brokenly, though not entirely; and therefore I cannot report it deficient, though I think it very worthy to be reduced into a science by itself.

Unto Grammar also belongeth, as an appendix, the consideration of the accidents of words, which are measure, sound, and elevation or accent, and the sweetness and harshness of them: whence hath issued some curious observations in rhetoric, but chiefly poesy, as we consider it, in respect of the verse, and not of the argument; wherein though men in learned tongues do tie themselves to the ancient measures, yet in modern languages it seemeth to me as free to make new measures of verses as of dances; for a dance is a measured pace, as a verse is a measured speech. In these things the sense is better judge than the art;

"Cœnæ fercula nostræ
Mallem convivis, quam placuisse cocis."

And of the servile expressing antiquity in an unlike and unfit subject, it is well said, "Quod tempore antiquum videtur, id incongruitate est maxime novum."

For ciphers, they are commonly in letters or alphabets, but may be in words. The kinds of ciphers, besides the simple ciphers, with changes, and intermixtures of nulls and non-significants, are many, according to the nature or rule of the infolding: wheel-ciphers, key-ciphers, doubles, &c. But the virtues of them, whereby they are to be preferred, are three; that they be not laborious to write and read; that they be impossible to decipher; and in some cases, that they be without suspicion. The highest degree whereof is to write omnia per omnia; which is undoubtedly possible with a proportion quincuple at most, of the writing infolding to the writing infolded, and no other restraint whatsoever. This art of ciphering hath for relative an art of deciphering, by supposition unprofitable, but, as things are, of great use. For suppose that ciphers were well managed, there be multitudes of them which exclude the decipherer. But in regard of the rawness and unskilfulness of the hands through which they pass, the greatest matters are many times carried in the weakest ciphers.

In the enumeration of these private and retired arts, it may be thought I seek to make a great muster-roll of sciences, naming them for show and ostentation, and to little other purpose. But let those which are skilful in them judge, whether I bring them in only for appearance, or whether in that which I speak of them, though in few words, there be not some seed of proficience. And this must be remembered, that as there be many of great account in their countries and provinces, which when they come up to the seat of the estate, are but of mean rank, and scarcely regarded; so these arts being here placed with the principal and supreme sciences, seem petty things; yet to such as have chosen them to spend their labours and studies in them, they seem great matters.

For the method of tradition, I see it hath moved a controversy in our time. But as in civil business, if there be a meeting, and men fall at words, there is commonly an end of the matter for that time, and no proceeding at all; so in learning, where there is much controversy, there is many times little inquiry. For this part of knowledge of method seemeth to me so weakly inquired, as I shall report it deficient.

Method hath been placed, and that not amiss, in logic, as a part of judgment: for as the doctrine of syllogisms comprehendeth the rules of judgment upon that which is invented, so the doctrine of method containeth the rules of judgment upon that which is to be delivered; for judgment precedeth delivery, as it followeth invention. Neither is the method or the nature of the tradition material only to the use of knowledge, but likewise to the progression of knowledge: for since the labour and life of one man cannot attain to perfection of knowledge, the wisdom of the tradition is that which inspireth the felicity of continuance and proceeding. And therefore the most real diversity of method, is of method referred to use, and method referred to progression, whereof the one may be termed magistral, and the other of probation.

The latter whereof seemeth to be via deserta et interclusa. For as knowledges are now delivered, there is a kind of contract of error, between the deliverer and the receiver; for he that delivereth knowledge, desireth to deliver it in such form as may be best believed, and not as may be best examined: and he that receiveth knowledge, desireth rather present satisfaction, than expectant inquiry: and so rather not to doubt, than not to err; glory making the author not to lay open his weakness, and sloth making the disciple not to know his strength.

But knowledge, that is delivered as a thread to be spun on, ought to be delivered and intimated, if it were possible, in the same method wherein it was invented, and so is it possible of knowledge induced. But in this same anticipated and prevented knowledge, no man knoweth how he came to the knowledge which he hath obtained. But yet nevertheless, secundum majus et minus, a man may revisit and descend unto the foundations of his knowledge and consent; and so transplant it into another, as it grew in his own mind. For it is in knowledges, as it is in plants, if you mean to use the plant, it is no matter for the roots; but if you mean to remove it to grow, then it is more assured to rest upon roots than slips: so the delivery of knowledges, as it is now used, is as of fair bodies of trees without the roots; good for the carpenter, but not for the planter. But if you will have sciences grow, it is less matter for the shaft or body of the tree, so you look well to the taking up of the roots: of which kind of delivery the method of the mathematics, in that subject, hath some shadow; but generally I see it neither put in ure nor put in inquisition, and therefore note it for deficient.

De methodo sincera, sive ad filios scientiarum.

Another diversity of method there is, which hath some affinity with the former, used in some cases by the discretion of the ancients, but disgraced since by the impostures of many vain persons, who have made it as a false light for their counterfeit merchandises; and that is, enigmatical and disclosed. The pretence whereof is to remove the vulgar capacities from being admitted to the secrets of knowledges, and to reserve them to selected auditors, or wits of such sharpness as can pierce the veil.

Another diversity of method, whereof the consequence is great, is the delivery of knowledge in aphorisms, or in methods; wherein we may observe, that it hath been too much taken into custom, out of a few axioms or observations upon any subject to make a solemn and formal art, filling it with some discourses, and illustrating it with examples, and digesting it into a sensible method; but the writing in aphorisms hath many excellent virtues, whereto the writing in method doth not approach.

For first it trieth the writer, whether he be superficial or solid: for aphorisms, except they should be ridiculous, cannot be made but of the pith and heart of sciences; for discourse of illustration is cut

off; recitals of examples are cut off; discourse of connexion and order is cut off; descriptions of practice are cut off; so there remaineth nothing to fill the aphorisms, but some good quantity of observation: and therefore no man can suffice, nor in reason will attempt to write aphorisms, but he that is sound and grounded. But in methods,

> "Tantum series juncturaque pollet,
> Tantum de medio sumptis accedit honoris;"

as a man shall make a great show of an art, which if it were disjointed, would come to little. Secondly, methods are more fit to win consent or belief, but less fit to point to action; for they carry a kind of demonstration in orb or circle, one part illuminating another, and therefore satisfy. But particulars being dispersed, do best agree with dispersed directions. And lastly, aphorisms, representing a knowledge broken, do invite men to inquire farther; whereas methods carrying the show of a total, do secure men as if they were at farthest.

Another diversity of method, which is likewise of great weight, is, the handling of knowledge by assertions, and their proofs; or by questions, and their determinations; the latter kind whereof, if it be immoderately followed, is as prejudicial to the proceeding of learning, as it is to the proceeding of an army to go about to besiege every little fort or hold. For if the field be kept, and the sum of the enterprise pursued, those smaller things will come in of themselves; indeed a man would not leave some important piece with an enemy at his back. In like manner, the use of confutation in the delivery of sciences ought to be very sparing; and to serve to remove strong preoccupations and prejudgments, and not to minister and excite disputations and doubts.

Another diversity of methods is according to the subject or matter which is handled; for there is a great difference in delivery of the mathematics, which are the most abstracted of knowledges, and policy, which is the most immersed; and howsoever contention hath been removed, touching the uniformity of method in multiformity of matter; yet we see how that opinion, besides the weakness of it, hath been of ill desert towards learning, as that which taketh the way to reduce learning to certain empty and barren generalities; being but the very husks and shells of sciences, all the kernel being forced out and expulsed with the torture and press of the method: and therefore as I did allow well of particular topics for invention, so do I allow likewise of particular methods of tradition.

Another diversity of judgment in the delivery and teaching of knowledge, is according unto the light and presuppositions of that which is delivered; for that knowledge which is new and foreign from opinions received, is to be delivered in another form than that that is agreeable and familiar; and therefore Aristotle, when he thinks to tax Democritus, doth in truth commend him, where he saith, "If we shall indeed dispute, and not follow after similitudes," &c. For those, whose conceits are seated in popular opinions, need only but to prove or dispute; but those whose conceits are beyond popular opinions, have a double labour; the one to make themselves conceived, and the other to prove and demonstrate: so that it is of necessity with them to have recourse to similitudes and translations to express themselves. And therefore in the infancy of learning, and in rude times, when those conceits which are now trivial were then new, the world was full of parables and similitudes; for else would men either have passed over without mark, or else rejected for paradoxes, that which was offered, before they had understood or judged. So in divine learning, we see how frequent parables and tropes are: for it is a rule, "That whatsoever science is not consonant to presuppositions, must pray in aid of similitudes."

There be also other diversities of methods vulgar and received: as that of resolution or analysis, of constitution or systasis, of concealment or cryptic, &c. which I do allow well of, though I have stood upon those which are least handled and observed. All which I have remembered to this purpose, because I would erect and constitute one general inquiry, which seems to me deficient, touching the wisdom of tradition.

De prudentia traditionis.

But unto this part of knowledge concerning method, doth farther belong, not only the architecture of the whole frame of a work, but also the several beams and columns thereof, not as to their stuff, but as to their quantity and figure: and therefore method considereth not only the disposition of the argument or subject, but likewise the propositions; not as to their truth or matter, but as to their limitation and manner. For herein Ramus merited better a great deal in reviving the good rules of proposition, Καθόλυ πρῶτον κατὰ παντὸς, &c. than he did in introducing the canker of epitomes; and yet, as it is the condition of human things, that, according to the ancient fables, "The most precious things have the most pernicious keepers;" it was so, that the attempt of the one made him fall upon the other. For he had need be well conducted, that should design to make axioms convertible; if he make them not withal circular, and non promovent, or incurring into themselves: but yet the intention was excellent.

The other considerations of method concerning propositions, are chiefly touching the utmost propositions, which limit the dimensions of sciences; for every knowledge may be fitly said, besides the profundity, which is the truth and substance of it that makes it solid, to have a longitude and a latitude, accounting the latitude towards other sciences, and the longitude towards action; that is, from the greatest generality, to the most particular precept: the one giveth rule how far one knowledge ought to intermeddle within the province of another, which is the rule they call καθαυτὸ: the other giveth rule, unto what degree of particularity a knowledge should descend: which latter I find passed over in silence, being in my judgment the more material: for certainly there must be somewhat left to practice; but how much is worthy the inquiry. We see remote and superficial generalities do but offer knowledge

to scorn of practical men, and are no more aiding to practice, than an Ortelius's universal map is to direct the way between London and York. The better sort of rules have been not unfitly compared to glasses of steel unpolished; where you may see the images of things, but first they must be filed: so the rules will help, if they be laboured and polished by practice. But how crystalline they may be made at the first, and how far forth they may be polished aforehand, is the question; the inquiry whereof seemeth to me deficient.

De productione axiomatum.

There hath been also laboured, and put in practice, a method, which is not a lawful method, but a method of imposture, which is, to deliver knowledges in such manner as men may speedily come to make a show of learning, who have it not; such was the travail of Raymundus Lullius in making that art, which bears his name, not unlike to some books of typocosmy, which have been made since; being nothing but a mass of words of all arts, to give men countenance, that those which use the terms might be thought to understand the art; which collections are much like a fripper's or broker's shop, that hath ends of every thing, but nothing of worth.

Now we descend to that part which concerneth the illustration of tradition, comprehended in that science which we call Rhetoric, or art of eloquence; a science excellent, and excellently well laboured. For although in true value it is inferior to wisdom, as it is said by God to Moses, when he disabled himself for want of this faculty, "Aaron shall be thy speaker, and thou shalt be to him as God:" yet with people it is the more mighty: for so Solomon saith, "Sapiens corde appellabitur prudens, sed dulcis eloquio majora reperiet;" signifying, that profoundness of wisdom will help a man to a name or admiration, but that it is eloquence that prevaileth in an active life; and as to the labouring of it, the emulation of Aristotle with the rhetoricians of his time, and the experience of Cicero, hath made them in their works of rhetorics exceed themselves. Again, the excellency of examples of eloquence in the orations of Demosthenes and Cicero, added to the perfection of the precepts of eloquence, hath doubled the progression in this art: and therefore the deficiencies which I shall note, will rather be in some collections, which may as handmaids attend the art, than in the rules or use of the art itself.

Notwithstanding, to stir the earth a little about the roots of this science, as we have done of the rest; the duty and office of rhetoric is to apply reason to imagination for the better moving of the will: for we see reason is disturbed in the administration thereof by three means; by illaqueation or sophism, which pertains to logic; by imagination or impression, which pertains to rhetoric; and by passion or affection, which pertains to morality. And as in negotiation with others, men are wrought by cunning, by importunity, and by vehemency; so in this negotiation within ourselves men are undermined by inconsequences, solicited and importuned by impressions or observations, and transported by passions. Neither is the nature of man so unfortunately built, as that those powers and arts should have force to disturb reason and not to establish and advance it; for the end of logic is to teach a form of argument to secure reason, and not to entrap it. The end of morality, is to procure the affections to obey reason, and not to invade it. The end of rhetoric, is to fill the imagination to second reason, and not to oppress it: for these abuses of arts come in but ex obliquo for caution.

And therefore it was great injustice in Plato, though springing out of a just hatred of the rhetoricians of his time, to esteem of rhetoric but as a voluptuary art, resembling it to cookery, that did mar wholesome meats, and help unwholesome by variety of sauces, to the pleasure of the taste. For we see that speech is much more conversant in adorning that which is good, than in colouring that which is evil; for there is no man but speaketh more honestly than he can do or think; and it was excellently noted by Thucydides in Cleon, that because he used to hold on the bad side in causes of estate, therefore he was ever inveighing against eloquence and good speech, knowing that no man can speak fair of courses sordid and base. And therefore as Plato said elegantly, "That Virtue, if she could be seen, would move great love and affection;" so seeing that she cannot be showed to the sense by corporal shape, the next degree is, to show her to the imagination in lively representation; for to show her to reason only in subtilty of argument, was a thing ever derided in Chrysippus, and many of the Stoics, who thought to thrust virtue upon men by sharp disputations and conclusions, which have no sympathy with the will of man.

Again, if the affections in themselves were pliant and obedient to reason, it were true, there should be no great use of persuasions and insinuations to the will, more than of naked proposition and proofs: but in regard of the continual mutinies and seditions of the affections,

"Video meliora, proboque;
Deteriora sequor;"

Reason would become captive and servile, if eloquence of persuasions did not practise and win the imagination from the affections part, and contract a confederacy between the reason and imagination against the affections; for the actions themselves carry ever an appetite to good as reason doth. The difference is, that the affection beholdeth merely the present, reason beholdeth the future and sum of time. And therefore the present filling the imagination more, reason is commonly vanquished; but after that force of eloquence and persuasion hath made things future and remote appear as present, then upon the revolt of the imagination reason prevaileth.

We conclude therefore, that rhetoric can be no more charged with the colouring of the worst part, than logic with sophistry, or morality with vice. For we know the doctrines of contraries are the same, though the use be opposite. It appeareth also, that logic differeth from rhetoric, not only as the

fist from the palm, the one close, the other at large; but much more in this, that logic handleth reason exact, and in truth; and rhetoric handleth it as it is planted in popular opinions and manners. And therefore Aristotle doth wisely place rhetoric as between logic on the one side, and moral or civil knowledge on the other, as participating of both: for the proofs and demonstrations of logic are toward all men indifferent and the same: but the proofs and persuasions of rhetoric ought to differ according to the auditors:

"Orpheus in sylvis, inter delphinas Arion."

Which application, in perfection of idea, ought to extend so far, that if a man should speak of the same thing to several persons, he should speak to them all respectively, and several ways; though this politic part of eloquence in private speech, it is easy for the greatest orators to want; whilst by the observing their well graced forms of speech, they lose the volubility of application: and thereof it shall not be amiss to recommend this to better inquiry, not being curious, whether we place it here, or in that part which concerneth policy.

De prudentia sermonis privati.

Now therefore will I descend to the deficiencies, which, as I said, are but attendances: and first, I do not find the wisdom and diligence of Aristotle well pursued, who began to make a collection of the popular signs and colours of good and evil, both simple and comparative, which are as the sophisms of rhetoric, as I touched before. For example;

Colores boni et mali, simplices et comparati.

SOPHISMA.

"Quod laudatur, bonum: quod vituperatur, malum."

REDARGUTIO.

"Laudit venales qui vult extrudere merces.
Malum est, malum est, inquit emptor; sed cum recesserit, tum gloriabitur."

The defects in the labour of Aristotle are three; one, that there be but a few of many; another, that their elenchus's are not annexed; and the third, that he conceived but a part of the use of them: for their use is not only in probation, but much more in impression. For many forms are equal in signification, which are differing in impression; as the difference is great in the piercing of that which is sharp, and that which is flat, though the strength of the percussion be the same: for there is no man but will be a little more raised by hearing it said; "Your enemies will be glad of this;"

"Hoc Ithacus velit, et magno mercentur Atridæ;"

than by hearing it said only; "This is evil for you."

Secondly, I do resume also that which I mentioned before, touching provision or preparatory store, for the furniture of speech and readiness of invention, which appeareth to be of two sorts; the one in resemblance to a shop of pieces unmade up, the other to a shop of things ready made up, both to be applied to that which is frequent and most in request: the former of these I will call antitheta, and the latter formulæ.

Antitheta are theses argued pro et contra, wherein men may be more large and laborious; but in such as are able to do it, to avoid prolixity of entry, I wish the seeds of the several arguments to be cast up into some brief and acute sentences, not to be cited, but to be as skeins or bottoms of thread, to be unwinded at large when they come to be used; supplying authorities and examples by reference.

Antitheta rerum.

PRO VERBIS LEGIS.

"Non est interpretatio, sed divinatio, quæ recedit a literâ. Cum receditur a literâ judex transit in legislatorem."

PRO SENTENTIA LEGIS.

"Ex omnibus verbis est eliciendus sensus, qui interpretatur singula."

Formulæ are but decent and apt passages or conveyances of speech, which may serve indifferently for differing subjects; as of preface, conclusion, digression, transition, excusation, &c. For as in buildings there is great pleasure and use in the well-casting of the stair-cases, entries, doors, windows, and the like; so in speech, the conveyances and passages are of special ornament and effect.

A CONCLUSION IN A DELIBERATIVE.

"So may we redeem the faults passed, and prevent the inconveniences future."

There remain two appendices touching the tradition of knowledge, the one critical, the other pedantical; for all knowledge is either delivered by teachers, or attained by men's proper endeavours: and therefore as the principal part of tradition of knowledge concerneth chiefly writing of books; so the relative part thereof concerneth reading of books; whereunto appertain incidently these considerations. The first is concerning the true correction and edition of authors, wherein nevertheless rash diligence hath done great prejudice. For these critics have often presumed that that which they understand not, is false set down. As the priest, that where he found it written of St. Paul, "Demissus est per sportam," mended his book, and made it "Demissus est per portam," because sporta was a hard word, and out of his reading; and surely their errors, though they be not so palpable and ridiculous, yet are of the same kind. And therefore as it hath been wisely noted, the most corrected copies are commonly the least correct.

The second is concerning the exposition and explication of authors, which resteth in annotations and commentaries, wherein it is over usual to blanch the obscure places, and discourse upon the plain.

The third is concerning the times, which in many cases give great light to true interpretations.

The fourth is concerning some brief censure and judgment of the authors, that men thereby may make some election unto themselves what books to read.

And the fifth is concerning the syntax and disposition of studies, that men may know in what order or pursuit to read.

For pedantical knowledge, it containeth that difference of tradition which is proper for youth, whereunto appertain divers considerations of great fruit.

As first, the timing and seasoning of knowledges; as with what to initiate them, and from what, for a time, to refrain them.

Secondly, the consideration where to begin with the easiest, and so proceed to the more difficult, and in what courses to press the more difficult, and then to turn them to the more easy; for it is one method to practise swimming with bladders, and another to practise dancing with heavy shoes.

A third is the application of learning according unto the propriety of the wits; for there is no defect in the faculties intellectual but seemeth to have a proper cure contained in some studies: as for example, if a child be bird-witted, that is, hath not the faculty of attention, the mathematics giveth a remedy thereunto, for in them, if the wit be caught away but a moment, one is new to begin: and as sciences have a propriety towards faculties for cure and help, so faculties or powers have a sympathy towards sciences for excellency or speedy profiting; and therefore it is an inquiry of great wisdom what kinds of wits and natures are most proper for what sciences.

Fourthly, the ordering of exercises is matter of great consequence to hurt or help: for, as is well observed by Cicero, men in exercising their faculties, if they be not well advised, do exercise their faults, and get ill habits as well as good; so there is a great judgment to be had in the continuance and intermission of exercises. It were too long to particularize a number of other considerations of this nature; things but of mean appearance, but of singular efficacy: for as the wronging or cherishing of seeds or young plants, is that that is most important to their thriving; and as it was noted, that the first six kings, being in truth as tutors of the state of Rome in the infancy thereof, was the principal cause of the immense greatness of that state which followed; so the culture and manurance of minds in youth hath such a forcible, though unseen, operation, as hardly any length of time or contention of labour can countervail it afterwards. And it is not amiss to observe also, how small and mean faculties gotten by education, yet when they fall into great men or great matters, do work great and important effects; whereof we see a notable example in Tacitus, of two stage players, Percennius and Vibulenus, who by their faculty of playing, put the Pannonian armies into an extreme tumult and combustion; for there arising a mutiny amongst them, upon the death of Augustus Cæsar, Blæsus the lieutenant had committed some of the mutineers, which were suddenly rescued; whereupon Vibulenus got to be heard speak, which he did in this manner: "These poor innocent wretches appointed to cruel death, you have restored to behold the light: but who shall restore my brother to me, or life unto my brother, that was sent hither in message from the legions of Germany, to treat of the common cause? And he hath murdered him this last night by some of his fencers and ruffians, that he hath about him for his executioners upon soldiers. Answer, Blæsus, what is done with his body? The mortalest enemies do not deny burial. When I have performed my last duties to the corpse with kisses, with tears, command me to be slain beside him, so that these my fellows, for our good meaning, and our true hearts to the legions, may have leave to bury us." With which speech he put the army into an infinite fury and uproar; whereas truth was he had no brother, neither was there any such matter, but he played it merely as if he had been upon the stage.

But to return, we are now come to a period of traditional knowledges, wherein if I have made the divisions other than those that are received, yet would I not be thought to disallow all those divisions which I do not use; for there is a double necessity imposed upon me of altering the divisions. The one, because it differeth in end and purpose, to sort together those things which are next in nature, and those things which are next in use; for if a secretary of state should sort his papers, it is like, in his study, or general cabinet, he would sort together things of nature, as treatise, instructions, &c.; but in his boxes, or particular cabinet, he would sort together those that he were like to use together, though of several natures; so in this general cabinet of knowledge it was necessary for me to follow the divisions of the nature of things; whereas if myself had been to handle any particular knowledge I would have respected the divisions fittest for use. The other, because the bringing in of the deficiencies did by consequence alter the partitions of the rest: for let the knowledge extant, for demonstration sake, be fifteen, let the knowledge with the deficiencies be twenty, the parts of fifteen are not the parts of twenty, for the parts of fifteen are three and five, the parts of twenty are two, four, five, and ten; so as these things are without contradiction, and could not otherwise be.

We proceed now to that knowledge which considereth of the Appetite and Will of Man, whereof Solomon saith, "Ante omnia, fili, custodi cor tuum; nam inde procedunt actiones vitæ." In the handling of this science, those which have written, seem to me to have done as if a man that professed to teach to write, did only exhibit fair copies of alphabets, and letters joined, without giving any precepts or directions for the carriage of the hand and framing of the letters: so have they made good and fair exemplars and copies, carrying the draughts and portraitures of good, virtue, duty, felicity; propounding them well described as the true objects and scopes of man's will and desires; but how to attain these excellent marks, and how to frame and subdue the will of man to become true and conformable to these pursuits, they pass it over altogether, or slightly and unprofitably; for it is not the disputing that moral virtues are in the mind of man by habit and not by nature, or the distinguishing that generous spirits are won by doctrines and persuasions, and the vulgar sort by reward and punishment, and the like scattered glances and touches, that can excuse the absence of this part.

The reason of this omission I suppose it to be the hidden rock whereupon both this and many other barks of knowledge have been cast away; which is that men have despised to be conversant in ordinary

and common matters, the judicious direction whereof nevertheless is the wisest doctrine; for life consisteth not in novelties or subtilities: but contrariwise they have compounded sciences chiefly of a certain resplendent or lustrous mass of matter, chosen to give glory either to the subtilty of disputations, or to the eloquence of discourses. But Seneca giveth an excellent check to eloquence: "Nocet illis eloquentia, quibus non rerum cupiditatem facit, sed sui." Doctrine should be such as should make men in love with the lesson, and not with the teacher, being directed to the auditor's benefit, and not to the author's commendation; and therefore those are of the right kind which may be concluded as Demosthenes concludes his counsel, "Quæ si feceritis, non oratorem duntaxat in præsentia laudabitis, sed vosmetipsos etiam, non ita multo post statu rerum vestrarum meliore." Neither needed men of so excellent parts to have despaired of a fortune, which the poet Virgil promised himself, and indeed obtained, who got as much glory of eloquence, wit, and learning in the expressing of the observations of husbandry, as of the heroical acts of Æneas:

"Nec sum animi dubius, verbis ea vincere magnum
Quam sit, et angustis hunc addere rebus honorem."
Georg. iii. 289.

And surely if the purpose be in good earnest not to write at leisure that which men may read at leisure, but really to instruct and suborn action and active life, these georgics of the mind concerning the husbandry and tillage thereof, are no less worthy than the heroical descriptions of virtue, duty, and felicity. Wherefore the main and primitive division of moral knowledge seemeth to be into the Exemplar or Platform of Good, and the Regiment or Culture of the Mind; the one describing the nature of good, the other prescribing rules how to subdue, apply, and accommodate the will of man thereunto.

The doctrine touching the Platform or Nature of Good considereth it either simple or compared, either the kinds of good, or the degrees of good; in the latter whereof those infinite disputations which were touching the supreme degree thereof, which they term felicity, beatitude, or the highest good, the doctrines concerning which were as the heathen divinity, are by the christian faith discharged. And, as Aristotle saith, "That young men may be happy, but not otherwise but by hope;" so we must all acknowledge our minority, and embrace the felicity which is by hope of the future world.

Freed therefore, and delivered from this doctrine of the philosopher's heaven, whereby they feigned an higher elevation of man's nature than was, for we see in what a height of style Seneca writeth, "Vere magnum, habere fragilitatem hominis, securitatem Dei," we may with more sobriety and truth receive the rest of their inquiries and labours; wherein for the nature of good, positive or simple, they have set it down excellently, in describing the forms of virtue and duty with their situations and postures, in distributing them into their kinds, parts, provinces, actions, and administrations, and the like: nay farther, they have commended them to man's nature and spirit, with great quickness of argument and beauty of persuasions; yea, and fortified and intrenched them, as much as discourse can do, against corrupt and popular opinions. Again, for the degrees and comparative nature of good, they have also excellently handled it in their triplicity of good, in the comparison between a contemplative and an active life, in the distinction between virtue with reluctation and virtue secured, in their encounters between honesty and profit, in their balancing of virtue with virtue, and the like; so as this part deserveth to be reported for excellently laboured.

Notwithstanding, if before they had come to the popular and received notions of virtue and vice, pleasure and pain, and the rest, they had stayed a little longer upon the inquiry concerning the roots of good and evil, and the strings of those roots, they had given, in my opinion, a great light to that which followed; and especially if they had consulted with nature, they had made their doctrines less prolix and more profound: which being by them in part omitted and in part handled with much confusion, we will endeavour to resume and open in a more clear manner.

There is formed in every thing a double nature of good, the one as every thing is a total or substantive in itself, the other as it is a part or member of a greater body; whereof the latter is in degree the greater and the worthier, because it tendeth to the conservation of a more general form: therefore we see the iron in particular sympathy moveth to the loadstone, but yet if it exceed a certain quantity, it forsaketh the affection to the loadstone, and like a good patriot moveth to the earth, which is the region and country of massy bodies: so may we go forward, and see that water and massy bodies move to the centre of the earth; but rather than to suffer a divulsion in the continuance of nature, they will move upwards from the centre of the earth, forsaking their duty to the earth in regard of their duty to the world. This double nature of good and the comparative thereof is much more engraven upon man, if he degenerate not, unto whom the conservation of duty to the public ought to be much more precious than the conservation of life and being; according to that memorable speech of Pompeius Magnus, when being in commission of purveyance for a famine at Rome, and being dissuaded with great vehemency and instance by his friends about him, that he should not hazard himself to sea in an extremity of weather, he said only to them, "Necesse est ut eam, non ut vivam:" but it may be truly affirmed that there was never any philosophy, religion, or other discipline, which did so plainly and highly exalt the good which is communicative, and depress the good which is private and particular, as the holy faith: well declaring, that it was the same God that gave the christian law to men, who gave those laws of nature to inanimate creatures that we spake of before; for we read that the elected saints of God have wished themselves anathematized and razed out of the book of life, in an ecstasy of charity, and infinite feeling of communion.

This being set down and strongly planted, doth judge and determine most of the controversies

wherein moral philosophy is conversant. For first, it decideth the question touching the preferment of the contemplative or active life, and decideth it against Aristotle: for all the reasons which he bringeth for the contemplative, are private, and respecting the pleasure and dignity of a man's self, in which respects, no question, the contemplative life hath the pre-eminence; not much unlike to that comparison, which Pythagoras made for the gracing and magnifying of philosophy and contemplation; who being asked what he was, answered, "That if Hiero were ever at the Olympian games, he knew the manner, that some came to try their fortune for the prizes, and some came as merchants to utter their commodities, and some came to make good cheer and meet their friends, and some came to look on, and that he was one of them that came to look on." But men must know, that in this theatre of man's life, it is reserved only for God and angels to be lookers on: neither could the like question ever have been received in the church, notwithstanding their "Pretiosa in oculis Domini mors sanctorum ejus;" by which place they would exalt their civil death and regular professions, but upon this defence, that the monastical life is not simply contemplative, but performeth the duty either of incessant prayers and supplications, which hath been truly esteemed as an office in the church, or else of writing or taking instructions for writing concerning the law of God; as Moses did when he abode so long in the mount. And so we see Enoch the seventh from Adam, who was the first contemplative, and walked with God; yet did also endow the church with prophecy, which St. Jude citeth. But for contemplation, which should be finished in itself, without casting beams upon society, assuredly divinity knoweth it not.

It decideth also the controversies between Zeno and Socrates, and their schools and successions, on the one side, who placed felicity in virtue simply or attended; the actions and exercises whereof do chiefly embrace and concern society; and on the other side, the Cyrenaics and Epicureans, who placed it in pleasure, and made virtue, as it is used in some comedies of errors, wherein the mistress and the maid change habits, to be but as a servant, without which pleasure cannot be served and attended; and the reformed school of the Epicureans, which placed it in serenity of mind and freedom from perturbation; as if they would have deposed Jupiter again, and restored Saturn and the first age, when there was no summer nor winter, spring nor autumn, but all after one air and season; and Herillus, who placed felicity in extinguishment of the disputes of the mind, making no fixed nature of good and evil, esteeming things according to the clearness of the desires, or the reluctation; which opinion was revived in the heresy of the Anabaptists, measuring things according to the motions of the spirit, and the constancy or wavering of belief: all which are manifest to tend to private repose and contentment, and not to point of society.

It censureth also the philosophy of Epictetus, which presupposeth that felicity must be placed in those things which are in our power, lest we be liable to fortune and disturbance; as if it were not a thing much more happy to fail in good and virtuous ends for the public, than to obtain all that we can wish to ourselves in our proper fortune: as Consalvo said to his soldiers, showing them Naples, and protesting, "He had rather die one foot forwards, than to have his life secured for long, by one foot of retreat." Whereunto the wisdom of that heavenly leader hath signed, who hath affirmed "that a good conscience is a continual feast;" showing plainly, that the conscience of good intentions, howsoever succeeding, is a more continual joy to nature, than all the provision which can be made for security and repose.

It censureth likewise that abuse of philosophy, which grew general about the time of Epictetus, in converting it into an occupation or profession; as if the purpose had been not to resist and extinguish perturbations, but to fly and avoid the causes of them, and to shape a particular and kind course of life to that end, introducing such a health of mind, as was that health of body, of which Aristotle speaketh of Herodicus, who did nothing all his life long but intend his health: whereas if men refer themselves to duties of society, as that health of body is best, which is ablest to endure all alterations and extremities; so likewise that health of mind is most proper, which can go through the greatest temptations and perturbations. So as Diogenes's opinion is to be accepted, who commended not them which abstained, but them which sustained, and could refrain their mind in præcipitio, and could give unto the mind, as is used in horsemanship, the shortest stop or turn.

Lastly, it censureth the tenderness and want of application in some of the most ancient and reverend philosophers and philosophical men, that did retire too easily from civil business, for avoiding of indignities and perturbations; whereas the resolution of men truly moral, ought to be such as the same Consalvo said the honour of a soldier should be, e tela crassiore, and not so fine, as that every thing should catch in it and endanger it.

To resume private or particular good, it falleth into the division of good active and passive: for this difference of good, not unlike to that which amongst the Romans was expressed in the familia or household terms of Promus and Condus, is former also in all things, and is best disclosed in the two several appetites in creatures; the one to preserve or continue themselves, and the other to dilate or multiply themselves; whereof the latter seemeth to be the worthier; for in nature the heavens, which are the more worthy, are the agent; and the earth, which is the less worthy, is the patient; in the pleasures of living creatures, that of generation is greater than that of food: in divine doctrine, "Beatius est dare quam accipere:" and in life there is no man's spirit so soft, but esteemeth the effecting of somewhat that he hath fixed in his desire, more than sensuality. Which priority of the active good is much upheld by the consideration of our estate to be mortal and exposed to fortune: for if we might have a perp

unity and certainty in our pleasures, the state of them would advance their price; but when we see it is but "Magni æstimamus mori tardius," and "Ne gloriris de crastino, nescis partum diei," it maketh us to desire to have somewhat secured and exempted from time, which are only our deeds and works; as it is said, "Opera eorum sequuntur eos." The preeminence likewise of this active good is upheld by the affection which is natural in man towards variety and proceeding, which in the pleasures of the sense, which is the principal part of passive good, can have no great latitude. "Cogita quamdiu eadem feceris: cibus, somnus, ludus per hunc circulum curritur; mori velle non tantum fortis, aut miser, aut prudens, sed etiam fastidiosus potest." But in enterprises, pursuits, and purposes of life, there is much variety, whereof men are sensible with pleasure in their inceptions, progressions, recoils, re-integrations, approaches and attainings to their ends. So as it was well said, "Vita sine proposito languida et segra est." Neither hath this active good any identity with the good of society, though in some case it hath an incidence into it: for although it do many times bring forth acts of beneficence, yet it is with a respect private to a man's own power, glory, amplification, continuance; as appeareth plainly, when it fleeth a contrary subject. For that gigantine state of mind which possesseth the troublers of the world, such as was Lucius Sylla, and infinite other in smaller model, who would have all men happy or unhappy as they were their friends or enemies, and would give form to the world according to their own humours, which is the true theomachy, pretendeth, and aspireth to active good, though it recedeth farthest from good of society, which we have determined to be the greater.

To resume passive good, it receiveth a subdivision of conservative and perfective. For let us take a brief review of that which we have said; we have spoken first of the good of society, the intention whereof embraceth the form of human nature, whereof we are members and portions, and not our own proper and individual form; we have spoken of active good, and supposed it as a part of private and particular good. And rightly, for there is impressed upon all things a triple desire or appetite proceeding from love to themselves; one of preserving and continuing their form; another of advancing and perfecting their form; and a third of multiplying and extending their form upon other things; whereof the multiplying or signature of it upon other things, is that which we handled by the name of active good. So as there remaineth the conserving of it, and perfecting or raising of it; which latter is the highest degree of passive good. For to preserve in state is the less, to preserve with advancement is the greater. So in man,

"Igneus est ollis vigor, et cœlestis origo."

His approach or assumption to divine or angelical nature is the perfection of his form; the error or false imitation of which good, is that which is the tempest of human life, while man, upon the instinct of an advancement formal and essential, is carried to seek an advancement local. For as those which are sick, and find no remedy, do tumble up and down and change place, as if by a remove local they could obtain a remove internal: so is it with men in ambition, when failing of the means to exalt their nature, they are in a perpetual estuation to exalt their place. So then passive good is, as was said, either conservative or perfective.

To resume the good of conservation or comfort, which consisteth in the fruition of that which is agreeable to our natures; it seemeth to be the most pure and natural of pleasures, but yet the softest and the lowest. And this also receiveth a difference, which hath neither been well judged of, nor well inquired. For the good of fruition or contentment, is placed either in the sincereness of the fruition, or in the quickness and vigour of it; the one superinduced by equality, the other by vicissitude; the one having less mixture of evil, the other more impression of good. Whether of these is the greater good, is a question controverted; but whether man's nature may not be capable of both, is a question not inquired.

The former question being debated between Socrates and a sophist, Socrates placing felicity in an equal and constant peace of mind, and the sophist in much desiring and much enjoying, they fell from argument to ill words: the sophist saying that Socrates's felicity was the felicity of a block or stone; and Socrates saying that the sophist's felicity was the felicity of one that had the itch, who did nothing but itch and scratch. And both these opinions do not want their supports: for the opinion of Socrates is much upheld by the general consent even of the Epicures themselves, that virtue beareth a great part in felicity: and if so, certain it is, that virtue hath more use in clearing perturbations, than in compassing desires. The sophist's opinion is much favoured by the assertion we last spake of, that good of advancement is greater than good of simple preservation; because every obtaining a desire hath a show of advancement, as motion, though in a circle, hath a show of progression.

But the second question decided the true way maketh the former superfluous: for can it be doubted but that there are some who take more pleasure in enjoying pleasures, than some other, and yet nevertheless are less troubled with the loss or leaving of them: so as this same, "Non uti, ut non appetas; non appetere, ut non metuas; sunt animi pusilli et diffidentis." And it seemeth to me that most of the doctrines of the philosophers are more fearful and cautionary than the nature of things requireth: so have they increased the fear of death in offering to cure it: for when they would have a man's whole life to be but a discipline or preparation to die, they must needs make men think that it is a terrible enemy against whom there is no end of preparing. Better saith the poet,

"Qui finem vitæ extremum inter munera ponat
Naturæ."

So have they sought to make men's minds too uniform and harmonical, by not breaking them suffi-

ciently to contrary motions: the reason whereof I suppose to be, because they themselves were men dedicated to a private, free, and unapplied course of life. For as we see, upon the lute or like instrument, a ground, though it be sweet and have show of many changes, yet breaketh not the hand to such strange and hard stops and passages, as a set song or voluntary; much after the same manner was the diversity between a philosophical and a civil life. And therefore men are to imitate the wisdom of jewellers, who if there be a grain, or a cloud, or an ice which may be ground forth without taking too much of the stone, they help it; but if it should lessen and abate the stone too much, they will not meddle with it: so ought men so to procure serenity, as they destroy not magnanimity.

Having therefore deduced the good of man, which is private and particular, as far as seemeth fit, we will now return to that good of man which respecteth and beholdeth society, which we may term duty; because the term of duty is more proper to a mind well framed and disposed towards others, as the term of virtue is applied to a mind well formed and composed in itself; though neither can a man understand virtue without some relation to society, nor duty without an inward disposition. This part may seem at first to pertain to science civil and politic, but not if it be well observed; for it concerneth the regiment and government of every man over himself, and not over others. And as in architecture the direction of the framing the posts, beams, and other parts of building, is not the same with the manner of joining them and erecting the building; and in mechanicals, the direction how to frame an instrument or engine, is not the same with the manner of setting it on work and employing it; and yet nevertheless in expressing of the one you incidently express the aptness towards the other; so the doctrine of conjugation of men in society differeth from that of their conformity thereunto.

This part of duty is subdivided into two parts; the common duty of every man as a man or member of a state, the other the respective or special duty of every man in his profession, vocation, and place. The first of these is extant and well laboured, as hath been said. The second likewise I may report rather dispersed, than deficient; which manner of dispersed writing in this kind of argument I acknowledge to be best: for who can take upon him to write of the proper duty, virtue, challenge, and right of every several vocation, profession, and place? For although sometimes a looker on may see more than a gamester, and there be a proverb more arrogant than sound, "That the vale best discovereth the hills;" yet there is small doubt but that men can write best, and most really and materially, in their own professions; and that the writing of speculative men of active matter, for the most part, doth seem to men of experience, as Phormio's argument of the wars seemed to Hannibal to be but dreams and dotage. Only there is one vice which accompanieth them that write in their own professions, that they magnify them in excess; but generally it were to be wished, as that which would make learning indeed solid and fruitful, that active men would or could become writers.

In which I cannot but mention, honoris causa, your majesty's excellent book touching the duty of a king, a work richly compounded of divinity, morality, and policy, with great aspersion of all other arts; and being in mine opinion one of the most sound and healthful writings that I have read, not distempered in the heat of invention, nor in the coldness of negligence; not sick of business, as those are who lose themselves in their order, nor of convulsions, as those which cramp in matters impertinent; not savouring of perfumes and paintings, as those do who seek to please the reader more than nature beareth; and chiefly well disposed in the spirits thereof, being agreeable to truth and apt for action, and far removed from that natural infirmity whereunto I noted those that write in their own professions to be subject, which is, that they exalt it above measure: for your majesty hath truly described, not a king of Assyria, or Persia, in their extern glory, but a Moses, or a David, pastors of their people. Neither can I ever lose out of my remembrance, what I heard your majesty in the same sacred spirit of government, deliver in a great cause of judicature, which was, "That kings ruled by their laws as God did by the laws of nature, and ought as rarely to put in use their supreme prerogative, as God doth his power of working miracles." And yet notwithstanding, in your book of a free monarchy, you do well give men to understand, that you know the plenitude of the power and right of a king, as well as the circle of his office and duty. Thus have I presumed to allege this excellent writing of your majesty, as a prime or eminent example of Tractates concerning special and respective duties, wherein I should have said as much if it had been written a thousand years since: neither am I moved with certain courtly decencies, which esteem it flattery to praise in presence; no, it is flattery to praise in absence, that is, when either the virtue is absent, or the occasion is absent, and so the praise is not natural but forced, either in truth or in time. But let Cicero be read in his oration pro Marcello, which is nothing but an excellent table of Cæsar's virtue, and made to his face; besides the example of many other excellent persons wiser a great deal than such observers; and we will never doubt, upon a full occasion, to give just praises to present or absent.

But to return, there belongeth farther to the handling of this part, touching the duties of professions and vocations, a relative or opposite touching the frauds, cautels, impostures, and vices of every profession, which hath been likewise handled. But how? Rather in a satire and cynically, than seriously and wisely; for men have rather sought by wit to deride and traduce much of that which is good in professions, than with judgment to discover and sever that which is corrupt. For, as Solomon saith, he that cometh to seek after knowledge with a mind to scorn and censure, shall be sure to find matter for his humour, but no matter for his instruction: "Quærenti derisori scientiam, ipsa se

abscondit: sed studioso fit obviam." But the managing of this argument with integrity and truth, which I note as deficient, seemeth to me to be one of the best fortifications for honesty and virtue that can be planted. For, as the fable goeth of the basilisk, that if he see you first, you die for it; but if you see him first, he dieth: so is it with deceits and evil arts, which if they be first espied, lose their life; but if they prevent, they endanger. So that we are much beholden to Machiavel and others, that write what men do, and not what they ought to do: for it is not possible to join serpentine wisdom with the columbine innocency, except men know exactly all the conditions of the serpent; his baseness and going upon his belly, his volubility and lubricity, his envy and sting, and the rest; that is, all forms and natures of evil: for without this, virtue lieth open and unfenced. Nay, an honest man can do no good upon those that are wicked, to reclaim them, without the help of the knowledge of evil: for men of corrupted minds presuppose that honesty groweth out of simplicity of manners, and believing of preachers, schoolmasters, and men's exterior language. So as, except you can make them perceive that you know the utmost reaches of their own corrupt opinions, they despise all morality; "Non recipit stultus verba prudentiæ, nisi ea dixeris, quæ versantur in corde ejus."

De cautelis et malis artibus.

Unto this part touching respective duty doth also appertain the duties between husband and wife, parent and child, master and servant: so likewise the laws of friendship and gratitude, the civil bond of companies, colleges, and politic bodies, of neighbourhood, and all other proportionate duties; not as they are parts of government and society, but as to the framing of the mind of particular persons.

The knowledge concerning good respecting society doth handle it also not simply alone, but comparatively, whereunto belongeth the weighing of duties between person and person, case and case, particular and public: as we see in the proceeding of Lucius Brutus against his own sons, which was so much extolled; yet what was said?

"Infelix, utcunque ferent ea fata minores."

So the case was doubtful, and had opinion on both sides. Again, we see when M. Brutus and Cassius invited to a supper certain whose opinions they meant to feel, whether they were fit to be made their associates, and cast forth the question touching the killing of a tyrant being an usurper, they were divided in opinion, some holding that servitude was the extreme of evils, and others that tyranny was better than a civil war; and a number of the like cases there are of comparative duty: amongst which that of all others is the most frequent, where the question is of a great deal of good to ensue of a small injustice, which Jason of Thessalia determined against the truth: "Aliqua sunt injuste facienda, ut multa juste fieri possint." But the reply is good, "Auctorem præsentis justitiæ habes, sponsorem futuræ non habes;" men must pursue things which are just in present, and leave the future to the Divine Providence. So then we pass on from this general part touching the exemplar and description of good.

Now therefore that we have spoken of this fruit of life, it remaineth to speak of the husbandry that belongeth thereunto, without which part the former seemeth to be no better than a fair image, or statua, which is beautiful to contemplate, but is without life and motion: whereunto Aristotle himself subscribeth in these words, "Necesse est scilicet de virtute dicere, et quid sit, et ex quibus gignatur. Inutile enim fere fuerit, virtutem quidem nosse, acquirendæ autem ejus modos et vias ignorare: non enim de virtute tantum, qua specie sit, quærendum est, sed et quomodo sui copiam faciat; utrumque enim volumus, et rem ipsam nosse et ejus compotes fieri: hoc autem ex voto non succedet, nisi sciamus et ex quibus et quomodo." In such full words and with such iteration doth he inculcate this part: so saith Cicero in great commendation of Cato the second, that he had applied himself to philosophy, "non ita disputandi causâ, sed ita vivendi." And although the neglect of our times, wherein few men do hold any consultations touching the reformation of their life, as Seneca excellently saith, "De partibus vitæ quisque deliberat, de summâ nemo," may make this part seem superfluous; yet I must conclude with that aphorism of Hippocrates, "Qui gravi morbo correpti dolores non sentiunt, iis mens ægrotat;" they need medicine not only to assuage the disease, but to awake the sense. And if it be said, that the cure of men's minds belongeth to sacred divinity, it is most true: but yet moral philosophy may be preferred unto her as a wise servant and humble handmaid. For as the Psalm saith, that "the eyes of the handmaid look perpetually towards the mistress," and yet no doubt many things are left to the discretion of the handmaid, to discern of the mistress's will; so ought moral philosophy to give a constant attention to the doctrines of divinity, and yet so as it may yield of herself, within due limits, many sound and profitable directions.

De cultura animi.

This part therefore, because of the excellency thereof, I cannot but find exceeding strange that it is not reduced to written inquiry, the rather because it consisteth of much matter, wherein both speech and action is often conversant, and such wherein the common talk of men, which is rare, but yet cometh sometimes to pass, is wiser than their books. It is reasonable therefore that we propound it in the more particularity, both for the worthiness, and because we may acquit ourselves for reporting it deficient, which seemeth almost incredible, and is otherwise conceived and presupposed by those themselves that have written. We will therefore enumerate some heads or points thereof, that it may appear the better what it is, and whether it be extant.

First, therefore, in this, as in all things which are practical, we ought to cast up our account, what is in our power, and what not; for the one may be dealt with by way of alteration, but the other by way of application only. The husbandman cannot command, neither the nature of the earth, nor the

seasons of the weather, no more can the physician the constitution of the patient, nor the variety of accidents. So in the culture and cure of the mind of man, two things are without our command; points of nature, and points of fortune; for to the basis of the one, and the conditions of the other, our work is limited and tied. In these things therefore, it is left unto us to proceed by application;

"Vincenda est omnis fortuna ferendo:"

and so likewise,

"Vincenda est omnis natura ferendo."

But when that we speak of suffering, we do not speak of a dull and neglected suffering, but of a wise and industrious suffering, which draweth and contriveth use and advantage out of that which seemeth adverse and contrary, which is that properly which we call accommodating or applying. Now the wisdom of application resteth principally in the exact and distinct knowledge of the precedent state or disposition, unto which we do apply; for we cannot fit a garment, except we first take measure of the body.

So then the first article of this knowledge is to set down sound and true distributions, and descriptions of the several characters and tempers of men's natures and dispositions, especially having regard to those differences which are most radical, in being the fountains and causes of the rest, or most frequent in concurrence or commixture; wherein it is not the handling of a few of them in passage, the better to describe the mediocrities of virtues, that can satisfy this intention: for if it deserve to be considered, "that there are minds which are proportioned to great matters, and others to small," which Aristotle handleth or ought to have handled by the name of magnanimity, doth it not deserve as well to be considered, "that there are minds proportioned to intend many matters, and others to few?" So that some can divide themselves, others can perchance do exactly well, but it must be but in few things at once; and so there cometh to be a narrowness of mind, as well as a pusillanimity. And again, "that some minds are proportioned to that which may be despatched at once, or within a short return of time; others to that which begins afar off, and is to be won with length of pursuit,"

"—— Jam tum tenditque fovetque."

So that there may be fitly said to be a longanimity, which is commonly ascribed to God, as a magnanimity. So farther deserved it to be considered by Aristotle, "that there is a disposition in conversation, supposing it in things which do in no sort touch or concern a man's self, to soothe and please; and a disposition contrary to contradict and cross:" and deserveth it not much better to be considered, "that there is a disposition, not in conversation or talk, but in matter of more serious nature, and supposing it still in things merely indifferent, to take pleasure in the good of another, and a disposition contrariwise, to take distaste at the good of another?" which is that properly which we call good-nature or ill-nature, benignity or malignity. And therefore I cannot sufficiently marvel, that this part of knowledge, touching the several characters of natures and dispositions, should be omitted both in morality and policy, considering it is of so great ministry and suppeditation to them both. A man shall find in the traditions of astrology some pretty and apt divisions of men's natures, according to the predominances of the planets; lovers of quiet, lovers of action, lovers of victory, lovers of honour, lovers of pleasure, lovers of arts, lovers of change, and so forth. A man shall find in the wisest sort of these relations, which the Italians make touching conclaves, the natures of the several cardinals handsomely and livelily painted forth; a man shall meet with, in every day's conference, the denominations of sensitive, dry, formal, real, humorous, certain, "huomo di prima impressione, huomo di ultima impressione," and the like: and yet nevertheless this kind of observations wandereth in words, but is not fixed in inquiry. For the distinctions are found, many of them, but we conclude no precepts upon them: wherein our fault is the greater, because both history, poesy, and daily experience, are as goodly fields where these observations grow; whereof we make a few posies to hold in our hands, but no man bringeth them to the confectionary, that receipts might be made of them for the use of life.

Of much like kind are those impressions of nature, which are imposed upon the mind by the sex, by the age, by the region, by health and sickness, by beauty and deformity, and the like, which are inherent, and not extern; and again, those which are caused by extern fortune; as sovereignty, nobility, obscure birth, riches, want, magistracy, privateness, prosperity, adversity, constant fortune, variable fortune, rising per saltum, per gradus, and the like. And therefore we see that Plautus maketh it a wonder to see an old man beneficent, "benignitas hujus ut adolescentuli est." St. Paul concludeth, that severity of discipline was to be used to the Cretans, "Increpa eos dure," upon the disposition of their country, "Cretenses semper mendaces, malæ bestiæ, ventres pigri." Sallust noteth, that it is usual with kings to desire contradictories; "Sed plerumque regiæ voluntates, ut vehementes sunt, sic mobiles, sæpeque ipsæ sibi adversæ." Tacitus observeth how rarely raising of the fortune mendeth the disposition, "Solus Vespasianus mutatus in melius." Pindarus maketh an observation, that great and sudden fortune for the most part defeateth men, "Qui magnam felicitatem concoquere non possunt." So the Psalm showeth it is more easy to keep a measure in the enjoying of fortune, than in the increase of fortune: "Divitiæ si affluant, nolite cor apponere." These observations, and the like, I deny not but are touched a little by Aristotle, as in passage in his Rhetorics, and are handled in some scattered discourses; but they were never incorporate into moral philosophy, to which they do essentially appertain; as the knowledge of the diversity of grounds and mould doth to agriculture, and the knowledge of the diversity of complexions and constitutions doth to the physician; except we mean to follow the indiscre-

tion of empirics, which minister the same medicines to all patients.

Another article of this knowledge, is the inquiry touching the affections; for as in medicining of the body, it is in order first to know the divers complexions and constitutions; secondly, the diseases; and lastly, the cures; so in medicining of the mind, after knowledge of the divers characters of men's natures, it followeth, in order, to know the diseases and infirmities of the mind, which are no other than the perturbations and distempers of the affections. For as the ancient politicians in popular estates were wont to compare the people to the sea, and the orators to the winds; because as the sea would of itself be calm and quiet, if the winds did not move and trouble it; so the people would be peaceable and tractable, if the seditious orators did not set them in working and agitation: so it may be fitly said, that the mind in the nature thereof would be temperate and stayed, if the affections, as winds, did not put it into tumult and perturbation. And here again I find strange, as before, that Aristotle should have written divers volumes of Ethics, and never handled the affections, which is the principal subject thereof; and yet in his Rhetorics, where they are considered but collaterally, and in a second degree, as they may be moved by speech, he findeth place for them, and handleth them well for the quantity: but where their true place is, he preterpasseth them. For it is not his disputations about pleasure and pain that can satisfy this inquiry, no more than he that should generally handle the nature of light can be said to handle the nature of colours; for pleasure and pain are to the particular affections, as light is to particular colours. Better travails, I suppose had the Stoics taken in this argument, as far as I can gather by that which I have at second hand. But yet, it is like, it was after their manner, rather in subtilty of definitions, which, in a subject of this nature, are but curiosities, than in active and ample descriptions and observations. So likewise I find some particular writings of an eloquent nature, touching some of the affections; as of anger, of comfort upon adverse accidents, of tenderness, of countenance, and other. But the poets and writers of histories are the best doctors of this knowledge, where we may find painted forth with great life, how affections are kindled and quieted; and how pacified and refrained; and how again contained from act, and farther degree; how they disclose themselves; how they work; how they vary; how they gather and fortify; how they are inwrapped one within another; and how they do fight and encounter one with another; and other the like particularities. Amongst the which, this point is of special use in moral and civil matters: as, I say, to set affection against affection, and to master one by another, even as we used to hunt beast with beast, and fly bird with bird, which otherwise perchance we could not so easily recover: upon which foundation is erected that excellent use of premium and pœna, whereby civil states consist, employing the predominant affections of fear and hope, for the suppressing and bridling the rest. For as in the government of states, it is sometimes necessary to bridle one faction with another, so it is in the government within.

Now come we to those points which are within our own command, and have force and operation upon the mind, to affect the will and appetite, and to alter manners: wherein they ought to have handled custom, exercise, habit, education, example, imitation, emulation, company, friends, praise, reproof, exhortation, fame, laws, books, studies: these as they have determinate use in moralities, for from these the mind suffereth, and of these are such receipts and regiments compounded and described, as may serve to recover or preserve the health and good estate of the mind, as far as pertaineth to human medicine; of which number we will insist upon some one or two, as an example of the rest, because it were too long to prosecute all; and therefore we do resume custom and habit to speak of.

The opinion of Aristotle seemeth to me a negligent opinion, that of those things which consist by nature, nothing can be changed by custom; using for example, that if a stone be thrown ten thousand times up, it will not learn to ascend; and that by often seeing or hearing, we do not learn to hear or see the better. For though this principle be true in things wherein nature is peremptory, the reason whereof we cannot now stand to discuss, yet it is otherwise in things wherein nature admitteth a latitude. For he might see that a strait glove will come more easily on with use; and that a wand will by use bend otherwise than it grew; and that by use of the voice we speak louder and stronger; and that by use of enduring heat or cold, we endure it the better, and the like: which latter sort have a nearer resemblance unto that subject of manners he handleth, than those instances which he allegeth. But allowing his conclusion, that virtues and vices consist in habit, he ought so much the more to have taught the manner of superinducing that habit: for there be many precepts of the wise ordering the exercises of the mind, as there is of ordering the exercises of the body, whereof we will recite a few.

The first shall be, that we beware we take not at the first either too high a strain, or too weak: for if too high, in a diffident nature you discourage; in a confident nature you breed an opinion of facility, and so a sloth; and in all natures you breed a farther expectation than can hold out, and so an insatisfaction in the end: if too weak of the other side, you may not look to perform and overcome any great task.

Another precept is, to practise all things chiefly at two several times; the one when the mind is best disposed, the other when it is worst disposed; that by the one you may give a great step, by the other you may work out the knots and stonds of the mind, and make the middle times the more easy and pleasant.

Another precept is that which Aristotle mentioneth by the way, which is, to bear ever towards the contrary extreme of that whereunto we are by nature inclined; like unto the rowing against

stream, or making a wand straight, by bending him contrary to his natural crookedness.

Another precept is, that the mind is brought to any thing better, and with more sweetness and happiness, if that whereunto you pretend be not first in the intention, but tanquam aliud agendo, because of the natural hatred of the mind against necessity and constraint. Many other axioms there are touching the managing of exercise and custom; which being so conducted, doth prove indeed another nature; but being governed by chance, doth commonly prove but an ape of nature, and bringeth forth that which is lame and counterfeit.

So if we should handle books and studies, and what influence and operation they have upon manners, are there not divers precepts of great caution and direction appertaining thereunto? Did not one of the fathers in great indignation call poesy vinum dæmonum, because it increaseth temptations, perturbations, and vain opinions? Is not the opinion of Aristotle worthy to be regarded, wherein he saith, "That young men are no fit auditors of moral philosophy, because they are not settled from the boiling heat of their affections, nor attempered with time and experience?" And doth it not hereof come, that those excellent books and discourses of the ancient writers, whereby they have persuaded unto virtue most effectually, by representing her in state and majesty; and popular opinions against virtue in their parasites' coats, fit to be scorned and derided, are of so little effect towards honesty of life, because they are not read, and revolved by men in their mature and settled years, but confined almost to boys and beginners? But is it not true also, that much less young men are fit auditors of matters of policy, till they have been thoroughly seasoned in religion and morality, lest their judgments be corrupted, and made apt to think that there are no true differences of things, but according to utility and fortune, as the verse describes it?

"Prosperum et felix scelus virtus vocatur:"

and again,

"Ille crucem pretium sceleris tulit, hic diadema:"

which the poets do speak satirically, and in indignation on virtue's behalf: but books of policy do speak it seriously and positively; for it so pleaseth Machiavel to say, "that if Cæsar had been overthrown, he would have been more odious than ever was Cataline:" as if there had been no difference, but in fortune, between a very fury of lust and blood, and the most excellent spirit, his ambition reserved, of the world? Again, is there not a caution likewise to be given of the doctrines of moralities themselves, some kinds of them, lest they make men too precise, arrogant, incompatible, as Cicero saith of Cato in Marco Catone: "Hæc bona, quæ videmus, divina et egregia, ipsius scitote esse propria: quæ nonnunquam requirimus, ea sunt omnia non a naturâ, sed a magistro?" Many other axioms and advices there are touching those proprieties and effects, which studies do infuse and instil into manners. And so likewise is there touching the use of all those other points, of company, fame, laws, a the rest, which we recited in the beginning in t doctrine of morality.

But there is a kind of culture of the mind th seemeth yet more accurate and elaborate than t rest, and is built upon this ground: that the mi of all men are sometimes in a state more perfe and at other times in a state more depraved. T purpose therefore of this practice is, to fix a cherish the good hours of the mind, and to obli rate and take forth the evil. The fixing of the go hath been practised by two means, vows or const resolutions, and observances or exercises; which not to be regarded so much in themselves, as cause they keep the mind in continual obedien The obliteration of the evil hath been practised two means, some kind of redemption or expiation that which is past, and an inception or account novo, for the time to come: but this part seem sacred and religious, and justly; for all good mo philosophy, as was said, is but a handmaid religion.

Wherefore we will conclude with that last poi which is of all other means the most compendio and summary; and, again, the most noble and eff tual to the reducing of the mind unto virtue a good estate; which is, the electing and propoundi unto a man's self good and virtuous ends of his li such as may be in a reasonable sort within his co pass to attain. For if these two things be suppos that a man set before him honest and good en and again, that he be resolute, constant, and tr unto them; it will follow, that he shall mould hi self into all virtue at once. And this indeed is li the works of nature, whereas the other course like the work of the hand: for as when a carv makes an image, he shapes only that part whe upon he worketh, as if he be upon the face, th part which shall be the body is but a rude sto still, till such time as he comes to it; but, contra wise, when nature makes a flower or living creatu she formeth rudiments of all the parts at one tim so in obtaining virtue by habit, while a man pr tiseth temperance, he doth not profit much to for tude, nor the like; but when he dedicateth a applieth himself to good ends, look, what virt soever the pursuit and passage towards those en doth commend unto him, he is invested of a pre dent disposition to conform himself thereun Which state of mind Aristotle doth excellently e press himself, that it ought not to be called virtuo but divine: his words are these; "Immanit autem consentaneum est, opponere eam, quæ sup humanitatem est, heroicam sive divinam virtutem And a little after, "Nam ut feræ neque vitium neq virtus est, sic neque Dei. Sed hic quidem stat altius quiddam virtute est, ille aliud quiddam a vitio And therefore we may see what celsitude of hono Plinius Secundus attributeth to Trajan in his fun ral oration; where he said, "that men need make no other prayers to the gods, but that th would continue as good lords to them as Trajan h been;" as if he had not been only an imitation divine nature, but a pattern of it. But these

heathen and profane passages, having but a shadow of that divine state of mind, which religion and the holy faith do conduct men unto, by imprinting upon their souls charity, which is excellently called the bond of perfection, because it comprehendeth and fasteneth all virtues together. And as it is elegantly said by Menander, of vain love, which is but a false imitation of divine love, "Amor melior sophista lævo ad humanam vitam," that love teacheth a man to carry himself better than the sophist or preceptor, which he calleth left-handed, because, with all his rules and preceptions, he cannot form a man so dexterously, nor with that facility, to prize himself and govern himself, as love can do: so certainly if a man's mind be truly inflamed with charity, it doth work him suddenly into greater perfection than all the doctrine of morality can do, which is but a sophist in comparison of the other. Nay farther, as Xenophon observed truly, that all other affections, though they raise the mind, yet they do it by distorting and uncomeliness of ecstasies or excesses; but only love doth exalt the mind, and nevertheless at the same instant doth settle and compose it: so in all other excellencies, though they advance nature, yet they are subject to excess. Only charity admitteth no excess; for so we see by aspiring to be like God in power the angels transgressed and fell; "Ascendam, et ero similis Altissimo;" by aspiring to be like God in knowledge, man transgressed and fell; "Eritis sicut Dii, scientes bonum et malum:" but by aspiring to a similitude of God in goodness, or love, neither man nor angel ever transgressed, or shall transgress. For unto that imitation we are called; "Diligite inimicos vestros, benefacite eis qui oderunt vos, et orate pro persequentibus et calumniantibus vos, ut sitis filii Patris vestri, qui in cœlis est, qui solem suum oriri facit super bonos et malos, et pluit super justos et injustos." So in the first platform of the divine nature itself, the heathen religion speaketh thus, "Optimus Maximus;" and the sacred Scriptures thus, "Misericordia ejus super omnia opera ejus."

Wherefore I do conclude this part of moral knowledge, concerning the culture and regiment of the mind; wherein if any man, considering the parts thereof, which I have enumerated, do judge that my labour is but to collect into an art or science that which hath been pretermitted by others, as matters of common sense or experience, he judgeth well: but as Philocrates sported with Demosthenes, "You may not marvel, Athenians, that Demosthenes and I do differ, for he drinketh water, and I drink wine." And like as we read of an ancient parable of the two gates of sleep,

> "Sunt geminæ somni portæ, quarum altera fertur
> Cornea, qua veris facilis datur exitus umbris:
> Altera candenti perfecta nitens elephanto,
> Sed falsa ad cœlum mittunt insomnia manes:"

so if we put on sobriety and attention, we shall find it a sure maxim in knowledge, that the more pleasant liquor of wine is the more vaporous, and the braver gate of ivory sendeth forth the falser dreams.

But we have now concluded that general part of human philosophy, which contemplateth man segregate, and as he consisteth of body and spirit. Wherein we may further note, that there seemeth to be a relation or conformity between the good of the mind and the good of the body. For as we divided the good of the body into health, beauty, strength, and pleasure; so the good of the mind, inquired in rational and moral knowledges, tendeth to this, to make the mind sound and without perturbation; beautiful and graced with decency; and strong and agile for all duties of life. These three, as in the body, so in the mind, seldom meet, and commonly sever. For it is easy to observe, that many have strength of wit and courage, but have neither health from perturbations, nor any beauty or decency in their doings: some again have an elegancy and fineness of carriage, which have neither soundness of honesty, nor substance of sufficiency: and some again have honest and reformed minds, that can neither become themselves nor manage business. And sometimes two of them meet, and rarely all three. As for pleasure, we have likewise determined that the mind ought not to be reduced to stupidity, but to retain pleasure; confined rather in the subject of it, than in the strength and vigour of it.

Civil Knowledge is conversant about a subject which of all others is most immersed in matter, and hardliest reduced to axiom. Nevertheless, as Cato the Censor said, "that the Romans were like sheep, for that a man might better drive a flock of them, than one of them; for in a flock, if you could get but some few to go right, the rest would follow:" so in that respect moral philosophy is more difficile than policy. Again, moral philosophy propoundeth to itself the framing of internal goodness; but civil knowledge requireth only an external goodness; for that as to society sufficeth. And therefore it cometh oft to pass that there be evil times in good governments: for so we find in the holy story, when the kings were good; yet it is added, "Sed adhuc populus non direxerat cor suum ad Dominum Deum patrum suorum." Again, states, as great engines, move slowly, and are not so soon put out of frame: for as in Ægypt the seven good years sustained the seven bad; so governments for a time well grounded, do bear out errors following. But the resolution of particular persons is more suddenly subverted. These respects do somewhat qualify the extreme difficulty of civil knowledge.

This knowledge hath three parts, according to the three summary actions of society, which are, Conversation, Negotiation, and Government. For man seeketh in society comfort, use, and protection: and they be three wisdoms of divers natures, which do often sever; wisdom of behaviour, wisdom of business, and wisdom of state.

The wisdom of Conversation ought not to be over much affected, but much less despised: for it hath not only an honour in itself, but an influence also into business and government. The poet saith, "Nec vultu destrue verba tuo." A man may destroy the force of his words with his countenance: so may he of his deeds, saith Cicero, recommending to his

brother affability and easy access, "Nil interest habere ostium apertum, vultum clausum." It is nothing won to admit men with an open door, and to receive them with a shut and reserved countenance. So, we see, Atticus, before the first interview between Cæsar and Cicero, the war depending, did seriously advise Cicero touching the composing and ordering of his countenance and gesture. And if the government of the countenance be of such effect, much more is that of the speech, and other carriage appertaining to conversation: the true model whereof seemeth to me well expressed by Livy, though not meant for this purpose; "Ne aut arrogans videar, aut obnoxius; quorum alterum est alienæ libertatis obliti, alterum suæ:" "The sum of behaviour is to retain a man's own dignity, without intruding upon the liberty of others." On the other side, if behaviour and outward carriage be intended too much, first it may pass into affectation, and then "Quid deformius quam scenam in vitam transferre," to act a man's life? But although it proceed not to that extreme, yet it consumeth time, and employeth the mind too much. And therefore as we use to advise young students from company keeping, by saying, "Amici, fures temporis;" so certainly the intending of the discretion of behaviour is a great thief of meditation. Again, such as are accomplished in that form of urbanity, please themselves in it, and seldom aspire to higher virtue; whereas those that have defect in it, do seek comeliness by reputation; for where reputation is, almost every thing becometh; but where that is not, it must be supplied by puntos and compliments. Again, there is no greater impediment of action, than an over-curious observance of decency, and the guide of decency, which is time and season. For as Solomon saith, "Qui respicit ad ventos, non seminat; et qui respicit ad nubes, non metet:" a man must make his opportunity as oft as find it. To conclude; behaviour seemeth to me as a garment of the mind, and to have the conditions of a garment. For it ought to be made in fashion; it ought not to be too curious; it ought to be shaped so as to set forth any good making of the mind, and hide any deformity; and above all, it ought not to be too strait, or restrained, for exercise or motion. But this part of civil knowledge hath been elegantly handled, and therefore I cannot report it for deficient.

De negotiis gerendis.

The wisdom touching Negotiation or Business hath not been hitherto collected into writing, to the great derogation of learning, and the professors of learning. For from this root springeth chiefly that note or opinion, which by us is expressed in adage to this effect; that there is no great concurrence between learning and wisdom. For of the three wisdoms which we have set down to pertain to civil life, for wisdom of behaviour, it is by learned men for the most part despised, as an inferior to virtue, and an enemy to meditation; for wisdom of government, they acquit themselves well when they are called to it, but that happeneth to few: but for the wisdom of business, wherein man's life is most conversant, there be no books of it, except some few scattered advertisements, that have no proportion to the magnitude of this subject. For if books were written of this, as the other, I doubt not but learned men, with mean experience, would far excel men of long experience, without learning, and outshoot them in their own bow.

Neither needeth it at all to be doubted, that this knowledge should be so variable, as it falleth not under precept; for it is much less infinite than science of government, which, we see, is laboured, and in some part reduced. Of this wisdom, it seemeth, some of the ancient Romans, in the saddest and wisest times, were professors; for Cicero reporteth, that it was then in use for senators that had name and opinion for general wise men, as Coruncanius, Curius, Lælius, and many others, to walk at certain hours in the place, and to give audience to those that would use their advice; and that the particular citizens would resort unto them, and consult with them of the marriage of a daughter, or of the employing of a son, or of a purchase or bargain, or of an accusation, and every other occasion incident to man's life. So as there is a wisdom of counsel and advice even in private cases, arising out of an universal insight into the affairs of the world; which is used indeed upon particular cases propounded, but is gathered by general observation of cases of like nature. For so we see in the book which Q. Cicero writeth to his brother, "De petitione consulatus," being the only book of business, that I know, written by the ancients, although it concerned a particular action then on foot, yet the substance thereof consisteth of many wise and politic axioms, which contain not a temporary, but a perpetual direction in the case of popular elections. But chiefly we may see in those aphorisms which have place amongst divine writings, composed by Solomon the king, of whom the Scriptures testify, that his heart was as the sands of the sea, encompassing the world and all worldly matters; we see, I say, not a few profound and excellent cautions, precepts, positions, extending to much variety of occasions; whereupon we will stay a while, offering to consideration some number of examples.

"Sed et cunctis sermonibus, qui dicuntur, ne accommodes aurem tuam, ne forte audias servum tuum maledicentem tibi." Here is recommended the provident stay of inquiry of that which we would be loth to find: as it was judged great wisdom in Pompeius Magnus that he burned Sertorius's papers unperused.

"Vir sapiens, si cum stulto contenderit, sive irascatur, sive rideat, non inveniet requiem." Here is described the great disadvantage which a wise man hath in undertaking a lighter person than himself, which is such an engagement, as whether a man turn the matter to jest, or turn it to heat, or however he change copy, he can no ways quit himself well of it.

"Qui delicatè a pueritiâ nutrit servum suum, postea sentiet eum contumacem." Here is signified, that if a man begin too high a pitch in his favours, it doth commonly end in unkindness and unthankfulness.

"Vidisti virum velocem in opere suo? coram regibus stabit, nec erit inter ignobiles." Here is observed, that of all virtues for rising to honour, quickness of despatch is the best; for superiors many times love not to have those they employ too deep or too sufficient, but ready and diligent.

"Vidi cunctos viventes, qui ambulant sub sole, cum adolescente secundo, qui consurgit pro eo." Here is expressed that which was noted by Sylla first, and after him by Tiberius: "Plures adorant solem orientem, quam occidentem vel meridianum."

"Si spiritus potestatem habentis ascenderit super te, locum tuum ne dimiseris, quia curatio faciet cessare peccata maxima." Here caution is given, that upon displeasure, retiring is of all courses the unfittest; for a man leaveth things at worst, and deprivetb himself of means to make them better.

"Erat civitas parva, et pauci in ea viri; venit contra eam rex magnus, et vadavit eam, instruxitque munitiones per gyrum, et perfecta est obsidio; inventusque est in ea vir pauper et sapiens, et liberavit eam per sapientiam suam, et nullus deinceps recordatus est hominis illius pauperis." Here the corruption of states is set forth, that esteem not virtue or merit longer than they have use of it.

"Mollis responsio frangit iram." Here is noted, that silence or rough answer exasperateth; but an answer present and temperate pacifieth.

"Iter pigrorum, quasi sepes spinarum." Here is livelily represented how laborious sloth proveth in the end; for when things are deferred to the last instant, and nothing prepared beforehand, every step findeth a brier or an impediment, which catcheth or stoppeth.

"Melior est finis orationis, quam principium." Here is taxed the vanity of formal speakers, that study more about prefaces and inducements, than upon the conclusions and issues of speech.

"Qui cognoscit in judicio faciem, non bene facit; iste et pro buccella panis deseret veritatem." Here is noted, that a judge were better be a briber, than a respecter of persons; for a corrupt judge offendeth not so lightly as a facile.

"Vir pauper calumnians pauperes, similis est imbri vehementi, in quo paratur fames." Here is expressed the extremity of necessitous extortions, figured in the ancient fable of the full and the hungry horse-leech.

"Fons turbatus pede, et vena corrupta, est justus cadens coram impio." Here is noted, that one judicial and exemplar iniquity in the face of the world, doth trouble the fountains of justice more than many particular injuries passed over by connivance.

"Qui subtrahit aliquid a patre et a matre, et dicit hoc non esse peccatum, particeps est homicidii." Here is noted, that whereas men in wronging their best friends, use to extenuate their fault, as if they might presume or be bold upon them, it doth contrariwise indeed aggravate their fault, and turneth it from injury to impiety.

"Noli esse amicus homini iracundo, nec ambulato cum homine furioso." Here caution is given, that in the election of our friends we do principally avoid those which are impatient, as those that will espouse us to many factions and quarrels.

"Qui conturbat domum suam, possidebit ventum." Here is noted, that in domestical separations and breaches men do promise to themselves quieting of their mind and contentment, but still they are deceived of their expectation, and it turneth to wind.

"Filius sapiens lætificat patrem: filius vero stultus mœstitia est matri suæ." Here is distinguished, that fathers have most comfort of the good proof of their sons; but mothers have most discomfort of their ill proof, because women have little discerning of virtue, but of fortune.

"Qui celat delictum, quærit amicitiam; sed qui altero sermone repetit, separat fœderatos." Here caution is given, that reconcilement is better managed by an amnesty, and passing over that which is past, than by apologies and excusations.

"In omni opere bono erit abundantia; ubi autem verba sunt plurima, ibi frequenter egestas." Here is noted, that words and discourse abound most, where there is idleness and want.

"Primus in sua causa justus; sed venit altera pars, et inquirit in eum." Here is observed that in all causes the first tale possesseth much, in such sort, that the prejudice thereby wrought will be hardly removed, except some abuse or falsity in the information be detected.

"Verba bilinguis quasi simplicia, et ipsa perveniunt ad interiora ventris." Here is distinguished, that flattery and insinuation, which seemeth set and artificial, sinketh not far; but that entereth deep which hath show of nature, liberty, and simplicity.

"Qui erudit derisorem, ipse sibi injuriam facit; et qui arguit impium, sibi maculam generat." Here caution is given how we tender reprehension to arrogant and scornful natures, whose manner is to esteem it for contumely, and accordingly to return it.

"Da sapienti occasionem, et addetur ei sapientia." Here is distinguished the wisdom brought into habit, and that which is but verbal, and swimming only to conceit; for the one upon the occasion presented is quickened and redoubled, the other is amazed and confused.

"Quomodo in aquis resplendent vultus prospicientium, sic corda hominum manifesta sunt prudentibus." Here the mind of a wise man is compared to a glass, wherein the images of all diversity of natures and customs are represented, from which representation proceedeth that application,

"Qui sapit, innumeris moribus aptus erit."

Thus have I staid somewhat longer upon these sentences politic of Solomon than is agreeable to the proportion of an example, led with a desire to give authority to this part of knowledge, which I noted as deficient, by so excellent a precedent; and have also attended them with brief observations, such as to my understanding offer no violence to the sense, though I know they may be applied to a more divine use: but it is allowed even in divinity, that some interpretations, yea and some writings, have more of the eagle than others; but taking them as instructions for life, they might have received large

discourse, if I would have broken them and illustrated them by deducements and examples.

Neither was this in use only with the Hebrews, but it is generally to be found in the wisdom of the more ancient times; that as men found out any observation that they thought was good for life, they would gather it and express it in parable, or aphorism, or fable. But for fables, they were vicegerents and supplies where examples failed: now that the times abound with history, the aim is better when the mark is alive. And therefore the form of writing, which of all others is the fittest for this variable argument of negotiation and occasions, is that which Machiavel chose wisely and aptly for government; namely, discourse upon histories or examples: for knowledge drawn freshly, and in our view, out of particulars, knoweth the way best to particulars again; and it hath much greater life for practice when the discourse attendeth upon the example, than when the example attendeth upon the discourse. For this is no point of order, as it seemeth at first, but of substance: for when the example is the ground, being set down in a history at large, it is set down with all circumstances, which may sometimes control the discourse thereupon made, and sometimes supply it as a very pattern for action; whereas the examples alleged for the discourse's sake, are cited succinctly, and without particularity, and carry a servile aspect toward the discourse which they are brought in to make good.

But this difference is not amiss to be remembered, that as history of times is the best ground for discourse of government, such as Machiavel handleth, so history of lives is the most proper for discourse of business, because it is more conversant in private actions. Nay, there is a ground of discourse for this purpose fitter than them both, which is discourse upon letters; such as are wise and weighty, as many are of Cicero "ad Atticum," and others. For letters have a great and more particular representation of business than either chronicles or lives. Thus have we spoken both of the matter and form of this part of civil knowledge, touching negotiation, which we note to be deficient.

But yet there is another part of this part, which differeth as much from that whereof we have spoken, as sapere and sibi sapere; the one moving as it were to the circumference, the other to the centre: for there is a wisdom of counsel, and again there is a wisdom of pressing a man's own fortune, and they do sometimes meet, and often sever; for many are wise in their own ways that are weak for government or counsel; like ants, which is a wise creature for itself, but very hurtful for the garden. This wisdom the Romans did take much knowledge of: "Nam pol sapiens," saith the comical poet, "fingit fortunam sibi;" and it grew to an adage, "Faber quisque fortunæ propriæ:" and Livy attributeth it to Cato the first, "in hoc viro tanta vis animi et ingenii inerat, ut quocunque loco natus esset, sibi ipse fortunam facturus videretur."

This conceit or position, if it be too much declared and professed, hath been thought a thing impolitic and unlucky, as was observed in Timotheus the Athenian; who having done many great services to the estate in his government, and giving an account thereof to the people, as the manner was, did conclude every particular with this clause, "and in this Fortune had no part." And it came so to pass that he never prospered in any thing he took in hand afterwards; for this is too high and too arrogant, savouring of that which Ezekiel saith of Pharaoh, "Dicis, Fluvius est meus, et ego feci memetipsum;" or of that which another prophet speaketh, that "men offer sacrifices to their nets and snares;" and that which the poet expresseth,

> "Dextra mihi Deus, et telum, quod missile libro,
> Nunc adsint."

For these confidences were ever unhallowed and unblessed: and therefore those that were great politicians indeed ever ascribed their successes to their felicity, and not to their skill or virtue. For so Sylla surnamed himself Felix, not Magnus: so Cæsar said to the master of the ship, "Cæsarem portas et fortunam ejus."

But yet nevertheless these positions, "Faber quisque fortunæ suæ; Sapiens dominabitur astris; Invia virtuti nulla est via;" and the like, being taken and used as spurs to industry, and not as stirrups to insolency, rather for resolution than for presumption or outward declaration, have been ever thought sound and good, and are, no question, imprinted in the greatest minds, who are so sensible of this opinion, as they can scarce contain it within: as we see in Augustus Cæsar, who was rather diverse from his uncle, than inferior in virtue, how when he died, he desired his friends about him to give him a Plaudite, as if he were conscient to himself that he had played his part well upon the stage. This part of knowledge we do report also as deficient; not but that it is practised too much, but it hath not been reduced to writing. And therefore lest it should seem to any that it is not comprehensible by axiom, it is requisite, as we did in the former, that we set down some heads or passages of it.

Faber fortunæ, sive de ambitu vitæ.

Wherein it may appear at the first a new and unwonted argument to teach men how to raise and make their fortune: a doctrine, wherein every man perchance will be ready to yield himself a disciple till he seeth difficulty; for fortune layeth as heavy impositions as virtue; and it is as hard and severe a thing to be a true politician, as to be truly moral. But the handling hereof concerneth learning greatly, both in honour and in substance: in honour, because pragmatical men may not go away with an opinion that learning is like a lark, that can mount, and sing, and please herself, and nothing else; but may know that she holdeth as well of the hawk, that can soar aloft, and can also descend and strike upon the prey: in substance, because it is the perfect law of inquiry of truth, "that nothing be in the globe of matter, which should not be likewise in the globe of crystal, or form;" that is, that there be not any thing in being and action, which should not be drawn and collected into contemplation and doctrine.

Neither doth learning admire or esteem of this architecture of fortune, otherwise than as of an inferior work: for no man's fortune can be an end worthy of his being, and many times the worthiest men do abandon their fortune willingly for better respects; but nevertheless fortune, as an organ of virtue and merit, deserveth the consideration.

First, therefore, the precept which I conceive to be most summary towards the prevailing in fortune, is to obtain that window which Momus did require; who seeing in the frame of man's heart such angles and recesses, found fault there was not a window to look into them; that is, to procure good informations of particulars touching persons, their natures, their desires and ends, their customs and fashions, their helps and advantages, and whereby they chiefly stand; so again their weaknesses and disadvantages, and where they lie most open and obnoxious; their friends, factions, and dependences; and again their opposites, enviers, competitors, their moods and times, "Sola viri molles aditus et tempora noras;" their principles, rules, and observations, and the like: and this not only of persons but of actions, what are on foot from time to time, and how they are conducted, favoured, opposed, and how they import, and the like. For the knowledge of present actions is not only material in itself, but without it also the knowledge of persons is very erroneous; for men change with the actions, and whilst they are in pursuit they are one, and when they return to their nature, they are another. These informations of particulars, touching persons and actions, are as the minor propositions in every active syllogism, for no excellency of observations, which are as the major propositions, can suffice to ground a conclusion if there be error and mistaking in the minors.

That this knowledge is possible, Solomon is our surety, who saith, "Consilium in corde viri tanquam aqua profunda, sed vir prudens exhauriet illud:" and although the knowledge itself falleth not under precept, because it is of individuals, yet the instructions for the obtaining of it may.

We will begin therefore with this precept, according to the ancient opinion, that the sinews of wisdom are slowness of belief and distrust; that more trust be given to countenances and deeds than to words; and in words rather to sudden passages and surprised words than to set and purposed words. Neither let that be feared which is said, Fronti, nulla fides; which is meant of a general outward behaviour, and not of the private and subtle motions and labours of the countenance and gesture; which, as Q. Cicero elegantly saith, is animi janua, "the gate of the mind." None more close than Tiberius, and yet Tacitus saith of Gallus, "Etenim vultu offensionem conjectaverat." So again, noting the differing character and manner of his commending Germanicus and Drusus in the senate, he saith, touching his fashion, wherein he carried his speech of Germanicus, thus; "Magis in speciem adornatis verbis, quam ut penitus sentire videretur;" but of Drusus thus, "Paucioribus, sed intentior, et fida oratione:" and in another place speaking of his character of speech when he did any thing that was gracious and popular, he saith, that in other things he was "velut eluctantium verborum:" but then again, "Solutius vero loquebatur quando subveniret." So that there is no such artificer of dissimulation, nor no such commanded countenance, vultus jussus, that can sever from a feigned tale some of these fashions, either a more slight and careless fashion, or more set and formal, or more tedious and wandering, or coming from a man more drily and hardly.

Neither are deeds such assured pledges, as that they may be trusted without a judicious consideration of their magnitude and nature: "Fraus sibi in parvis fidem præstruit, ut majore emolumento fallat:" and the Italian thinketh himself upon the point to be bought and sold, when he is better used than he was wont to be, without manifest cause. For small favours, they do but lull men asleep both as to caution and as to industry, and are, as Demosthenes calleth them, "Alimenta socordiæ." So again we see how false the nature of some deeds are, in that particular which Mutianus practised upon Antonius Primus, upon that hollow and unfaithful reconcilement which was made between them; whereupon Mutianus advanced many of the friends of Antonius: "simul amicis ejus præfecturas et tribunatus largitur:" wherein, under pretence to strengthen him, he did desolate him, and won from his dependences.

As for words, though they be, like waters to physicians, full of flattery and uncertainty, yet they are not to be despised, especially with the advantage of passion and affection. For so we see Tiberius, upon a stinging and incensing speech of Agrippina, came a step forth of his dissimulation, when he said, "You are hurt because you do not reign;" of which Tacitus saith, "Audita hæc raram occulti pectoris vocem elicuere, correptamque Græco versu admonuit: ideo lædi, quia non regnaret." And therefore the poet doth elegantly call passions, tortures, that urge men to confess their secrets:

"Vino tortus et ira."

And experience showeth, there are few men so true to themselves, and so settled, but that sometimes upon heat, sometimes upon bravery, sometimes upon kindness, sometimes upon trouble of mind and weakness, they open themselves; especially if they be put to it with a counter-dissimulation, according to the proverb of Spain, "Di mentira, y sacaras verdad," "Tell a lie, and find a truth."

As for the knowing of men, which is at second hand from reports; men's weakness and faults are best known from their enemies, their virtues and abilities from their friends, their customs and times from their servants, their conceits and opinions from their familiar friends, with whom they discourse most. General fame is light, and the opinions conceived by superiors or equals are deceitful; for to such, men are more masked, "Verior fama e domesticis emanat."

But the soundest disclosing and expounding of men is, by their natures and ends; wherein the weakest sort of men are best interpreted by their natures, and the wisest by their ends. For it was both

pleasantly and wisely said, though I think very untruly, by a nuncio of the pope, returning from a certain nation, where he served as lieger; whose opinion being asked touching the appointment of one to go in his place, he wished that in any case they did not send one that was too wise; because no very wise man would ever imagine, what they in that country were like to do: and certainly it is an error frequent for men to shoot over, and to suppose deeper ends, and more compass-reaches than are: the Italian proverb being elegant, and for the most part true,

> "Di danari, di senno, e di fede,
> Ce' nè manco che non credi:"

"There is commonly less money, less wisdom, and less good faith, than men do account upon."

But princes, upon a far other reason, are best interpreted by their natures, and private persons by their ends: for princes being at the top of human desires, they have for the most part no particular ends whereto they aspire, by distance from which a man might take measure and scale of the rest of their actions and desires: which is one of the causes that maketh their hearts more inscrutable. Neither is it sufficient to inform ourselves in men's ends and natures of the variety of them only, but also of the predominancy, what humour reigneth most, and what end is principally sought. For so we see, when Tigellinus saw himself outstripped by Petronius Turpilianus in Nero's humours of pleasures; "metus ejus rimatur," he wrought upon Nero's fears, whereby he broke the other's neck.

But to all this part of inquiry, the most compendious way resteth in three things; the first, to have general acquaintance and inwardness with those which have general acquaintance, and look most into the world; and especially according to the diversity of business, and the diversity of persons, to have privacy and conversation with some one friend at least, which is perfect and well intelligenced in every several kind. The second is, to keep a good mediocrity in liberty of speech and secrecy: in most things liberty, secrecy where it importeth; for liberty of speech inviteth and provoketh liberty to be used again, and so bringeth much to a man's knowledge; and secrecy, on the other side, induceth trust and inwardness. The last is the reducing of a man's self to this watchful and serene habit, as to make account and purpose, in every conference and action, as well to observe as to act. For as Epictetus would have a philosopher in every particular action to say to himself, "Et hoc volo, et etiam institutum servare:" so a politic man in every thing should say to himself, "Et hoc volo, ac etiam aliquid addiscere." I have stayed the longer upon this precept of obtaining good information; because it is a main part by itself, which answereth to all the rest. But above all things caution must be taken, that men have a good stay and hold of themselves, and that this much knowing do not draw on much meddling: for nothing is more unfortunate than light and rash intermeddling in many matters. So that this variety of knowledge tendeth in conclusion but only to this, to make a better and freer choice of those actions which may concern us, and to conduct them with the less error and the more dexterity.

The second precept concerning this knowledge, is for men to take good information touching their own persons, and well to understand themselves: knowing that, as St. James saith, though men look oft in a glass, yet they do suddenly forget themselves; wherein as the divine glass is the word of God, so the politic glass is the state of the world or times wherein we live, in the which we are to behold ourselves.

For men ought to take an impartial view of their own abilities and virtues; and again of their wants and impediments; accounting these with the most, and those other with the least; and from this view and examination, to frame the considerations following.

First, to consider how the constitution of their nature sorteth with the general state of the times; which if they find agreeable and fit, then in all things to give themselves more scope and liberty; but if differing and dissonant, then in the whole course of their life to be more close, retired, and reserved; as we see in Tiberius, who was never seen at a play, and came not into the senate in twelve of his last years; whereas Augustus Cæsar lived ever in men's eyes, which Tacitus observeth: "Alia Tiberio morum via."

Secondly, to consider how their nature sorteth with professions and courses of life, and accordingly to make election, if they be free; and, if engaged, to make the departure at the first opportunity, as we see was done by duke Valentine, that was designed by his father to a sacerdotal profession, but quitted it soon after in regard of his parts and inclination; being such nevertheless, as a man cannot tell well whether they were worse for a prince or for a priest.

Thirdly, to consider how they sort with those whom they are like to have competitors and concurrents, and to take that course wherein there is most solitude, and themselves like to be most eminent; as Julius Cæsar did, who at first was an orator or pleader; but when he saw the excellency of Cicero, Hortensius, Catulus, and others, for eloquence, and saw there was no man of reputation for the wars but Pompeius, upon whom the state was forced to rely; he forsook his course begun toward a civil and popular greatness, and transferred his designs to a martial greatness.

Fourthly, in the choice of their friends and dependences, to proceed according to the composition of their own nature; as we may see in Cæsar; all whose friends and followers were men active and effectual, but not solemn, or of reputation.

Fifthly, to take special heed how they guide themselves by examples, in thinking they can do as they see others do; whereas perhaps their natures and carriages are far differing. In which error it seemeth Pompey was, of whom Cicero saith, that he was wont often to say, "Sylla potuit, ego non potero?" Wherein he was much abused, the na-

tures and proceedings of himself and his example being the unlikest in the world; the one being fierce, violent, and pressing the fact; the other solemn, and full of majesty and circumstance; and therefore the less effectual.

But this precept touching the politic knowledge of ourselves, hath many other branches whereupon we cannot insist.

Next to the well understanding and discerning of a man's self, there followeth the well opening and revealing a man's self; wherein we see nothing more usual than for the more able man to make the less show. For there is a great advantage in the well setting forth of a man's virtues, fortunes, merits; and again, in the artificial covering of a man's weaknesses, defects, disgraces, staying upon the one, sliding from the other; cherishing the one by circumstances, gracing the other by exposition, and the like; wherein we see what Tacitus saith of Mutianus, who was the greatest politician of his time, "Omnium, quæ dixerat, feceratque, arte quâdam ostentator;" which requireth indeed some art, lest it turn tedious and arrogant; but yet so, as ostentation, though it be to the first degree of vanity, seemeth to me rather a vice in manners than in policy: for as it is said, "Audacter calumniare, semper aliquid hæret;" so except it be in a ridiculous degree of deformity, "Audacter te vendita, semper aliquid hæret." For it will stick with the more ignorant and inferior sort of men, though men of wisdom and rank do smile at it, and despise it; and yet the authority won with many, doth countervail the disdain of a few. But if it be carried with decency and government, as with a natural, pleasant, and ingenuous fashion, or at times when it is mixed with some peril and unsafety, as in military persons, or at times when others are most envied; or with easy and careless passage to it and from it, without dwelling too long, or being too serious; or with an equal freedom of taxing a man's self, as well as gracing himself; or by occasion of repelling or putting down others' injury or insolence; it doth greatly add to reputation: and surely not a few solid natures that want this ventosity, and cannot sail in the height of the winds, are not without some prejudice and disadvantage by their moderation.

But for these flourishes and enhancements of virtue, as they are not perchance unnecessary, so it is at least necessary that virtue be not disvalued and embased under the just price, which is done in three manners: by offering and obtruding a man's self, wherein men think he is rewarded, when he is accepted; by doing too much, which will not give that which is well done leave to settle, and in the end induceth satiety; and by finding too soon the fruit of a man's virtue, in commendation, applause, honour, favour; wherein if a man be pleased with a little, let him hear what is truly said; "Cave ne insuetus rebus majoribus videaris, si hæc te res parva, sicuti magna, delectat."

But the covering of defects is of no less importance than the valuing of good parts; which may be done likewise in three manners, by caution, by colour, and by confidence. Caution is, when men do ingeniously and discreetly avoid to be put into those things for which they are not proper; whereas, contrariwise, bold and unquiet spirits will thrust themselves into matters without difference, and so publish and proclaim all their wants: colour is, when men make a way for themselves, to have a construction made of their faults or wants, as proceeding from a better cause, or intended for some other purpose: for of the one it is well said, "Sæpe latet vitium proximitate boni," and therefore whatsoever want a man hath, he must see that he pretend the virtue that shadoweth it; as if he be dull, he must affect gravity; if a coward, mildness; and so the rest: for the second, a man must frame some probable cause why he should not do his best, and why he should dissemble his abilities; and for that purpose must use to dissemble those abilities which are notorious in him, to give colour that his true wants are but industries and dissimulations. For confidence, it is the last, but surest remedy; namely, to depress and seem to despise whatsoever a man cannot attain, observing the good principle of the merchants, who endeavour to raise the price of their own commodities, and to beat down the price of others. But there is a confidence that passeth this other, which is, to face out a man's own defects, in seeming to conceive that he is best in those things wherein he is failing; and, to help that again, to seem on the other side that he hath least opinion of himself in those things wherein he is best; like as we shall see it commonly in poets, that if they show their verses, and you except to any, they will say, "that that line cost them more labour than any of the rest;" and presently will seem to disable and suspect rather some other line, which they know well enough to be the best in the number. But above all, in this righting and helping of a man's self in his own carriage, he must take heed he show not himself dismantled, and exposed to scorn and injury, by too much dulceness, goodness, and facility of nature, but show some sparkles of liberty, spirit, and edge: which kind of fortified carriage, with a ready rescuing of a man's self from scorns, is sometimes of necessity imposed upon men by somewhat in their person or fortune, but it ever succeedeth with good felicity.

Another precept of this knowledge is, by all possible endeavour to frame the mind to be pliant and obedient to occasion; for nothing hindereth men's fortunes so much as this: "Idem manebat, neque idem decebat." Men are where they were, when occasions turn; and therefore to Cato, whom Livy maketh such an architect of fortune, he addeth, that he had versatile ingenium. And thereof it cometh, that these grave, solemn wits, which must be like themselves, and cannot make departures, have more dignity than felicity. But in some it is nature to be somewhat viscous and inwrapped, and not easy to turn. In some it is a conceit, that is almost a nature, which is, that men can hardly make themselves believe that they ought to change their course, when they have found good by it in former experience; for Machiavel noteth wisely, how Fabius Maximus would have been temporizing

still, according to his old bias, when the nature of the war was altered, and required hot pursuit. In some other it is want of point and penetration in their judgment, that they do not discern when things have a period, but come in too late after the occasion: as Demosthenes compareth the people of Athens to country fellows, when they play in a fence school, that if they have a blow, then they remove their weapon to that ward, and not before. In some other it is a lothness to lose labours passed, and a conceit that they can bring about occasions to their ply; and yet in the end, when they see no other remedy, then they come to it with disadvantage; as Tarquinius, that gave for the third part of Sibylla's books the treble price, when he might at first have had all three for the simple. But from whatsoever root or cause this restiveness of mind proceedeth, it is a thing most prejudicial, and nothing is more politic than to make the wheels of our mind concentric and voluble with the wheels of fortune.

Another precept of this knowledge, which hath some affinity with that we last spake of, but with difference, is that which is well expressed, "fatis accede deisque," that men do not only turn with the occasions, but also run with the occasions, and not strain their credit or strength to over-hard or extreme points; but choose in their action that which is most passable: for this will preserve men from foil, and not occupy them too much about one matter, win opinion of moderation, please the most, and make a show of a perpetual felicity in all they undertake; which cannot but mightily increase reputation.

Another part of this knowledge seemeth to have some repugnancy with the former two, but not as I understand it, and it is that which Demosthenes uttereth in high terms: "Et quemadmodum receptum est, ut exercitum ducat imperator, sic et a cordatis viris res ipsæ ducendæ; ut quæ ipsis videntur, ea gerantur, et non ipsi eventus tantum persequi cogantur." For, if we observe, we shall find two differing kinds of sufficiency in managing of business: some can make use of occasions aptly and dexterously, but plot little: some can urge and pursue their own plots well, but cannot accommodate nor take in; either of which is very imperfect without the other.

Another part of this knowledge is the observing a good mediocrity in the declaring, or not declaring a man's self: for although depth of secrecy, and making way, "qualis est via navis in mari," which the French calleth "sourdes menées," when men set things in work without opening themselves at all, be sometimes both prosperous and admirable, yet many times "Dissimulatio errores parit, qui dissimulatorem ipsum illaqueant." And therefore, we see, the greatest politicians have in a natural and free manner professed their desires, rather than been reserved and disguised in them: for we see that Lucius Sylla made a kind of profession, "that he wished all men happy or unhappy, as they stood his friends or enemies." So Cæsar, when he went first into Gaul, made no scruple to profess, "that he had rather be first in a village, than second at Rome." So again, as soon as he had begun the war, we see what Cicero saith of him, "Alter," meaning of Cæsar, "non recusat, sed quodammodo postulat, ut, ut est, sic appelletur tyrannus." So we may see in a letter of Cicero to Atticus, that Augustus Cæsar, in his very entrance into affairs, when he was a darling of the senate, yet in his harangues to the people would swear, "Ita parentis honores consequi liceat," (which was no less than the tyranny,) save that, to help it, he would stretch forth his hand towards a statue of Cæsar's, that was erected in the same place: and men laughed, and wondered, and said, Is it possible, or, Did you ever hear the like? and yet thought he meant no hurt, he did it so handsomely and ingeniously. And all these were prosperous: whereas Pompey, who tended to the same ends, but in a more dark and dissembling manner, as Tacitus saith of him, "Occultior, non melior," wherein Sallust concurreth, "ore probo, animo inverecundo," made it his design, by infinite secret engines, to cast the state into an absolute anarchy and confusion, that the state might cast itself into his arms for necessity and protection, and so the sovereign power be put upon him, and he never seen in it: and when he had brought it, as he thought, to that point when he was chosen consul alone, as never any was, yet he could make no great matter of it, because men understood him not; but was fain in the end to go the beaten track of getting arms into his hands, by colour of the doubt of Cæsar's designs: so tedious, casual, and unfortunate are these deep dissimulations; whereof, it seemeth, Tacitus made this judgment, that they were a cunning of an inferior form in regard of true policy, attributing the one to Augustus, the other to Tiberius, where, speaking of Livia, he saith, "Et cum artibus mariti simulatione filii bene composita;" for surely the continual habit of dissimulation is but a weak and sluggish cunning, and not greatly politic.

Another precept of this architecture of fortune is, to accustom our minds to judge of the proportion or value of things, as they conduce and are material to our particular ends; and that to do substantially and not superficially. For we shall find the logical part, as I may term it, of some men's minds good, but the mathematical part erroneous; that is, they can well judge of consequences, but not of proportions and comparisons, preferring things of show and sense before things of substance and effect. So some fall in love with access to princes, others with popular fame and applause, supposing they are things of great purchase: when, in many cases, they are but matters of envy, peril, and impediment.

So some measure things according to the labour and difficulty, or assiduity, which are spent about them; and think if they be ever moving, that they must needs advance and proceed: as Cæsar saith in a despising manner of Cato the second, when he describeth how laborious and indefatigable he was to no great purpose; "Hæc omnia magno studio agebat." So in most things men are ready to abuse themselves in thinking the greatest means to be best when it should be the fittest.

As for the true marshalling of men's pursuits towards their fortune, as they are more or less material, I hold them to stand thus: first the amendment of their own minds; for the remove of the impediments of the mind will sooner clear the passages of fortune, than the obtaining fortune will remove the impediments of the mind. In second place I set down wealth and means, which, I know, most men would have placed first, because of the general use which it beareth towards all variety of occasions. But that opinion I may condemn with like reason as Machiavel doth that other, that moneys were the sinews of the wars, whereas, saith he, the true sinews of the wars are the sinews of men's arms, that is, a valiant, populous, and military nation; and he voucheth aptly the authority of Solon, who, when Crœsus showed him his treasury of gold, said to him, that if another came that had better iron, he would be master of his gold. In like manner it may be truly affirmed, that it is not moneys that are the sinews of fortune, but it is the sinews and steel of men's minds, wit, courage, audacity, resolution, temper, industry, and the like. In third place I set down reputation, because of the peremptory tides and currents it hath, which, if they be not taken in their due time, are seldom recovered, it being extreme hard to play an aftergame of reputation. And lastly I place honour, which is more easily won by any of the other three, much more by all, than any of them can be purchased by honour. To conclude this precept, as there is order and priority in matter, so is there in time, the preposterous placing whereof is one of the commonest errors, while men fly to their ends when they should intend their beginnings; and do not place things in order of time as they come on, but marshal them according to greatness, and not according to instance, not observing the good precept, "Quod nunc instat agamus."

Another precept of this knowledge is, not to embrace any matters which do occupy too great a quantity of time, but to have that sounding in a man's ears, "Sed fugit interea, fugit irreparabile tempus:" and that is the cause why those which take their course of rising by professions of burden, as lawyers, orators, painful divines, and the like, are not commonly so politic for their own fortunes, otherwise than in their ordinary way, because they want time to learn particulars, to wait occasions, and to devise plots.

Another precept of this knowledge is, to imitate nature, which doth nothing in vain; which surely a man may do if he do well interlace his business, and bend not his mind too much upon that which he principally intendeth. For a man ought in every particular action so to carry the motions of his mind, and so to have one thing under another, as if he cannot have that he seeketh in the best degree, yet to have it in a second, or so in a third; and if he can have no part of that which he purposed, yet to turn the use of it to somewhat else; and if he cannot make any thing of it for the present, yet to make it as a seed of somewhat in time to come; and if he can contrive no effect or substance from it, yet to win some good opinion by it, or the like. So that he should exact an account of himself of every action, to reap somewhat, and not to stand amazed and confused if he fail of that he chiefly meant: for nothing is more impolitic than to mind actions wholly one by one; for he that doth so, loseth infinite occasions which intervene, and are many times more proper and propitious for somewhat that he shall need afterwards, than for that which he urgeth for the present; and therefore men must be perfect in that rule, "Hæc oportet facere, et illa non omittere."

Another precept of this knowledge is, not to engage a man's self peremptorily in any thing, though it seem not liable to accident, but ever to have a window to fly out at, or a way to retire; following the wisdom in the ancient fable of the two frogs, which consulted when their plash was dry whither they should go, and the one moved to go down into a pit, because it was not likely the water would dry there, but the other answered, "True, but if it do, how shall we get out again?"

Another precept of this knowledge is, that ancient precept of Bias, construed not to any point of perfidiousness, but only to caution and moderation, "Et ama tanquam inimicus futurus, et odi tanquam amaturus:" for it utterly betrayeth all utility, for men to embark themselves too far into unfortunate friendships, troublesome spleens, and childish and humorous envies or emulations.

But I continue this beyond the measure of an example, led, because I would not have such knowledges, which I note as deficient, to be thought things imaginative, or in the air; or an observation or two much made of, but things of bulk and mass, whereof an end is hardlier made than a beginning. It must be likewise conceived that in those points which I mention and set down, they are far from complete tractates of them, but only as small pieces for patterns. And lastly, no man, I suppose, will think that I mean fortunes are not obtained without all this ado; for I know they come tumbling into some men's laps, and a number obtain good fortunes by diligence in a plain way, little intermeddling, and keeping themselves from gross errors.

But as Cicero, when he setteth down an idea of a perfect orator, doth not mean that every pleader should be such; and so likewise, when a prince or a courtier hath been described by such as have handled those subjects, the mould hath used to be made according to the perfection of the art, and not according to common practice: so I understand it, that it ought to be done in the description of a politic man, I mean politic for his own fortune.

But it must be remembered all this while, that the precepts which we have set down are of that kind which may be counted and called bonæ artes. As for evil arts, if a man would set down for himself that principle of Machiavel, "that a man seek not to attain virtue itself, but the appearance only thereof, because the credit of virtue is a help, but the use of it is cumber:" or that other of his principles; "that he presuppose that men are not fitly to be wrought otherwise but by fear, and therefore

that he seek to have every man obnoxious, low, and in strait," which the Italians call "seminar spine," to sow thorns: or that other principle contained in the verse which Cicero citeth, "Cadant amici, dummodo inimici intercidant," as the triumvirs, which sold, every one to other, the lives of their friends, for the deaths of their enemies: or that other protestation of L. Catilina, to set on fire, and trouble states, to the end to fish in droumy waters, and to unwrap their fortunes, "Ego si quid in fortunis meis excitatum sit incendium, id non aqua, sed ruina restinguam:" or that other principle of Lysander, "that children are to be deceived with comfits, and men with oaths:" and the like evil and corrupt positions, whereof, as in all things, there are more in number than of the good: certainly, with these dispensations from the laws of charity and integrity, the pressing of a man's fortune may be more hasty and compendious. But it is in life, as it is in ways, the shortest way is commonly the foulest, and surely the fairer way is not much about.

But men, if they be in their own power, and do bear and sustain themselves, and be not carried away with a whirlwind or tempest of ambition, ought, in the pursuit of their own fortune, to set before their eyes not only that general map of the world, that "all things are vanity and vexation of spirit," but many other more particular cards and directions: chiefly that, that being, without well-being, is a curse, and the greater being the greater curse; and that all virtue is most rewarded, and all wickedness most punished in itself: according as the poet saith excellently:

> "Quæ vobis, quæ digna, viri, pro laudibus istis
> Præmia posse rear solvi? pulcherrima primum
> Dii moresque dabunt vestri."

And so of the contrary. And, secondly, they ought to look up to the eternal Providence and divine judgment, which often subverteth the wisdom of evil plots and imaginations, according to the scripture, "He hath conceived mischief, and shall bring forth a vain thing." And although men should refrain themselves from injury and evil arts, yet this incessant and sabbathless pursuit of a man's fortune leaveth not that tribute which we owe to God of our time: who, we see, demandeth a tenth of our substance, and a seventh, which is more strict, of our time: and it is to small purpose to have an erected face towards heaven, and a perpetual grovelling spirit upon earth, eating dust, as doth the serpent, "Atque affigit humo divinæ particulam auræ." And if any man flatter himself that he will employ his fortune well, though he should obtain it ill, as was said concerning Augustus Cæsar, and after of Septimius Severus, "that they should never have been born, or else they should never have died," they did so much mischief in the pursuit and ascent of their greatness, and so much good when they were established: yet these compensations and satisfactions are good to be used, but never good to be purposed. And, lastly, it is not amiss for men in their race towards their fortune, to cool themselves a little with that conceit which is elegantly expressed by the emperor Charles the fifth, in his instructions to the king his son, "that fortune hath somewhat of the nature of a woman, that if she be too much wooed, she is the farther off." But this last is but a remedy for those whose tastes are corrupted: let men rather build upon that foundation which is as a corner-stone of divinity and philosophy, wherein they join close, namely, that same Primum quærite. For divinity saith, "Primum quærite regnum Dei, et ista omnia adjicientur vobis:" and philosophy saith, "Primum quærite bona animi, cætera aut aderunt, aut non oberunt." And although the human foundation hath somewhat of the sands, as we see in M. Brutus, when he brake forth into that speech,

> "Te colui, virtus, ut rem: ast tu nomen inane es:"

yet the divine foundation is upon the rock. But this may serve for a taste of that knowledge which I noted as deficient.

Concerning government, it is a part of knowledge, secret and retired in both these respects, in which things are deemed secret; for some things are secret because they are hard to know, and some because they are not fit to utter; we see all governments are obscure and invisible.

> "Totamque infusa per artus,
> Mens agitat molem, et magno se corpore miscet."

Such is the description of governments: we see the government of God over the world is hidden, insomuch as it seemeth to participate of much irregularity and confusion: the government of the soul in moving the body is inward and profound, and the passages thereof hardly to be reduced to demonstration. Again, the wisdom of antiquity, the shadows whereof are in the poets, in the description of torments and pains, next unto the crime of rebellion, which was the giants' offence, doth detest the crime of futility, as in Sisyphus and Tantalus. But this was meant of particulars; nevertheless, even unto the general rules and discourses of policy and government there is due a reverent and reserved handling.

But, contrariwise, in the governors towards the governed, all things ought, as far as the frailty of man permitteth, to be manifest and revealed. For so it is expressed in the Scriptures touching the government of God, that this globe which seemeth to us a dark and shady body, is in the view of God as crystal, "Et in conspectu sedis tanquam mare vitreum simile crystallo." So unto princes and states, specially towards wise senates and councils, the natures and dispositions of the people, their conditions and necessities, their factions and combinations, their animosities and discontents, ought to be, in regard of the variety of their intelligences, the wisdom of their observations, and the height of the station where they keep centinel, in great part clear and transparent. Wherefore, considering that I write to a king that is a master of this science, and is so well assisted, I think it decent to pass over this part in silence, as willing to obtain the certificate which one of the ancient philosophers aspired unto

who being silent, when others contended to make demonstration of their abilities by speech, desired it might be certified for his part, "that there was one that knew how to 'hold his peace.'"

Notwithstanding, for the more public part of government, which is Laws, I think good to note only one deficience; which is, that all those which have written of laws, have written either as philosophers, or as lawyers, and none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light, because they are so high. For the lawyers, they write according to the states where they live, what is received law, and not what ought to be law; for the wisdom of a law-maker is one, and of a lawyer is another. For there are in nature certain fountains of justice, whence all civil laws are derived but as streams: and like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains. Again, the wisdom of a law-maker consisteth not only in a platform of justice, but in the application thereof; taking into consideration, by what means laws may be made certain, and what are the causes and remedies of the doubtfulness and uncertainty of law; by what means laws may be made apt and easy to be executed, and what are the impediments and remedies in the execution of laws; what influence laws touching private right of meum and tuum have into the public state, and how they may be made apt and agreeable; how laws are to be penned and delivered, whether in texts or in acts, brief or large, with preambles, or without; how they are to be pruned and reformed from time to time, and what is the best means to keep them from being too vast in volumes, or too full of multiplicity or crossness; how they are to be expounded, when upon causes emergent, and judicially discussed; and when upon responses and conferences touching general points or questions; how they are to be pressed, rigorously or tenderly; how they are to be mitigated by equity and good conscience, and whether discretion and strict law are to be mingled in the same courts, or kept apart in several courts; again, how the practice, profession, and erudition of law is to be censured and governed; and many other points touching the administration, and, as I may term it, animation of laws. Upon which I insist the less, because I propose, if God give me leave, having begun a work of this nature, in aphorisms, to propound it hereafter, noting it in the mean time for deficient.

De prudentia legislatoria, sive de fontibus juris.

And for your majesty's laws of England, I could say much of their dignity, and somewhat of their defect; but they cannot but excel the civil laws in fitness for the government; for the civil law was, "Non hos quæsitum munus in usus;" it was not made for the countries which it governeth: hereof I cease to speak, because I will not intermingle matter of action with matter of general learning.

Thus have I concluded this portion of learning touching civil knowledge, and with civil knowledge have concluded human philosophy; and with human philosophy, philosophy in general; and being now at some pause, looking back into that I have passed through, this writing seemeth to me, si nunquam fallit imago, as far as a man can judge of his own work, not much better than that noise or sound which musicians make while they are in tuning their instruments, which is nothing pleasant to hear, but yet is a cause why the music is sweeter afterwards. So have I been content to tune the instruments of the Muses, that they may play that have better hands. And surely, when I set before me the condition of these times, in which learning hath made her third visitation or circuit in all the qualities thereof; as the excellency and vivacity of the wits of this age; the noble helps and lights which we have by the travails of ancient writers; the art of printing, which communicateth books to men of all fortunes; the openness of the world by navigation, which hath disclosed multitudes of experiments, and a mass of natural history; the leisure wherewith these times abound, not employing men so generally in civil business, as the states of Græcia did, in respect of their popularity, and the state of Rome in respect of the greatness of their monarchy; the present disposition of these times at this instant to peace; the consumption of all that ever can be said in controversies of religion, which have so much diverted men from other sciences; the perfection of your majesty's learning, which as a phœnix may call whole volleys of wits to follow you; and the inseparable propriety of time, which is ever more and more to disclose truth;—I cannot but be raised to this persuasion, that this third period of time will far surpass that of the Græcian and Roman learning; only if men will know their own strength, and their own weakness both; and take, one from the other, light of invention, and fire of contradiction; and esteem of the inquisition of truth, as of an enterprise, and not as of a quality or ornament; and employ wit and magnificence to things of worth and excellency, and not to things vulgar and of popular estimation. As for my labours, if any man should please himself, or others, in the reprehension of them, they shall make that ancient and patient request, "Verbera, sed audi." Let men reprehend them, so they observe and weigh them. For the appeal is lawful, though it may be it shall not be needful, from the first cogitations of men to their second, and from the nearer times to the times farther off. Now let us come to that learning, which both the former times were not so blessed as to know, sacred and inspired Divinity, the sabbath and port of all men's labours and peregrinations.

The prerogative of God extendeth as well to the reason, as to the will of man; so that as we are to obey his law, though we find a reluctation in our will; so we are to believe his word, though we find a reluctation in our reason. For if we believe only that which is agreeable to our sense, we give consent to the matter, and not to the author, which is no more than we would do towards a suspected

and discredited witness: but that faith which was "accounted to Abraham for righteousness," was of such a point, as whereat Sarah laughed, who therein was an image of natural reason.

Howbeit, if we will truly consider it, more worthy it is to believe than to know as we now know. For in knowledge man's mind suffereth from sense, but in belief it suffereth from spirit, such one as it holdeth for more authorized than itself; and so suffereth from the worthier agent. Otherwise it is of the state of man glorified, for then faith shall cease, and "we shall know as we are known."

Wherefore we conclude, that sacred theology, which in our idiom we call divinity, is grounded only upon the word and oracle of God, and not upon the light of nature: for it is written, "Cœli enarrant gloriam Dei:" but it is not written, "Cœli enarrant voluntatem Dei:" but of that it is said, "Ad legem et testimonium, si non fecerint secundum verbum istud," etc. This holdeth not only in those points of faith which concern the great mysteries of the Deity, of the creation, of the redemption, but likewise those which concern the law moral truly interpreted: "Love your enemies: do good to them that hate you: be like to your heavenly Father, that suffereth his rain to fall upon the just and unjust." To this it ought to be applauded, "Nec vox hominum sonat," it is a voice beyond the light of nature. So we see the heathen poets, when they fall upon a libertine passion, do still expostulate with laws and moralities, as if they were opposite and malignant to nature: "Et quod natura remittit, invida jura negant." So said Dendamis the Indian unto Alexander's messengers; "That he had heard somewhat of Pythagoras, and some other of the wise men of Græcia, and that he held them for excellent men: but that they had a fault, which was, that they had in too great reverence and veneration a thing they called law and manners." So it must be confessed that a great part of the law moral is of that perfection, whereunto the light of nature cannot aspire: how then is it, that man is said to have, by the light and law of nature, some notions and conceits of virtue and vice, justice and wrong, good and evil? Thus: because the light of nature is used in two several senses; the one, that which springeth from reason, sense, induction, argument, according to the laws of heaven and earth; the other, that which is imprinted upon the spirit of man by an inward instinct, according to the law of conscience, which is a sparkle of the purity of his first estate: in which latter sense only he is participant of some light and discerning touching the perfection of the moral law: but how? sufficient to check the vice, but not to inform the duty. So then the doctrine of religion, as well moral as mystical, is not to be attained, but by inspiration and revelation from God.

The use, notwithstanding, of reason, in spiritual things, and the latitude thereof, is very great and general; for it is not for nothing that the apostle calleth religion our reasonable service of God, insomuch as the very ceremonies and figures of the old law were full of reason and signification, much more than the ceremonies of idolatry and magic, that are full of non-significants and surd characters. But most especially the christian faith, as in all things, so in this, deserveth to be highly magnified, holding and preserving the golden mediocrity in this point, between the law of the heathen, and the law of Mahomet, which have embraced the two extremes. For the religion of the heathen had no constant belief or confession, but left all to the liberty of argument; and the religion of Mahomet, on the other side, interdicteth argument altogether: the one having the very face of error, and the other of imposture; whereas the faith doth both admit and reject disputation with difference.

The use of human reason in religion is of two sorts: the former, in the conception and apprehension of the mysteries of God to us revealed; the other, in the inferring and deriving of doctrine and direction thereupon. The former extendeth to the mysteries themselves; but how? By way of illustration, and not by way of argument. The latter consisteth indeed of probation and argument. In the former, we see, God vouchsafeth to descend to our capacity, in the expressing of his mysteries in sort as may be sensible unto us; and doth graft his revelations and holy doctrine upon the notions of our reason, and applieth his inspirations to open our understanding, as the form of the key to the ward of the lock. For the latter, there is allowed us a use of reason and argument, secondary and respective, although not original and absolute. For after the articles and principles of religion are placed and exempted from examination of reason, it is then permitted unto us to make derivations and inferences from, and according to the analogy of them, for our better direction. In nature this holdeth not, for both the principles are examinable by induction, though not by a medium or syllogism; and besides, those principles or first positions have no discordance with that reason, which draweth down and deduceth the inferior positions. But yet it holdeth not in religion alone, but in many knowledges, both of greater and smaller nature, namely, wherein there are not only posita but placita; for in such there can be no use of absolute reason: we see it familiarly in games of wit, as chess, or the like; the draughts and first laws of the game are positive, but how? merely ad placitum, and not examinable by reason: but then how to direct our play thereupon with best advantage to win the game, is artificial and rational. So in human laws, there be many grounds and maxims, which are placita juris, positive upon authority, and not upon reason, and therefore not to be disputed: but what is most just, not absolutely but relatively, and according to those maxims, that affordeth a long field of disputation. Such therefore is that secondary reason, which hath place in divinity, which is grounded upon the placets of God.

De usu legitimo rationis humanæ in divinis.

Here therefore I note this deficience, that there hath not been, to my understanding, sufficiently inquired and handled the true limits, and use of reason in spiritual things, as a kind of divine dialectic; which for that it is not done, it seemeth to me a thing usual, by pretext of true conceiving that which

is revealed, to search and mine into that which is not revealed, and by pretext of enucleating inferences and contradictories, to examine that which is positive: the one sort falling into the error of Nicodemus, demanding to have things made more sensible than it pleaseth God to reveal them, "Quomodo possit homo nasci cum sit senex?" the other sort into the error of the disciples, which were scandalized at a show of contradiction, "Quid est hoc, quod dicit nobis? Modicum et non videbitis me, et iterum modicum, et videbitis me," etc.

Upon this I have insisted the more, in regard of the great and blessed use thereof; for this point, well laboured and defined of, would, in my judgment, be an opiate to stay and bridle not only the vanity of curious speculations, wherewith the schools labour, but the fury of controversies, wherewith the church laboureth. For it cannot but open men's eyes, to see that many controversies do merely pertain to that which is either not revealed, or positive, and that many others do grow upon weak and obscure inferences or derivations; which latter sort, if men would revive the blessed style of that great doctor of the gentiles, would be carried thus; Ego, non Dominus; and again, Secundum consilium meum; in opinions and counsels, and not in positions and oppositions. But men are now over-ready to usurp the style, Non ego, sed Dominus; and not so only, but to bind it with the thunder and denunciation of curses and anathemas, to the terror of those which have not sufficiently learned out of Solomon, that "the causeless curse shall not come."

Divinity hath two principal parts; the matter informed or revealed, and the nature of the information or revelation: and with the latter we will begin, because it hath most coherence with that which we have now last handled. The nature of the information consisteth of three branches; the limits of the information, the sufficiency of the information, and the acquiring or obtaining the information. Unto the limits of the information belong these considerations; how far forth particular persons continue to be inspired; how far forth the church is inspired; and how far forth reason may be used: the last point whereof I have denoted as deficient. Unto the sufficiency of the information belong two considerations; what points of religion are fundamental, and what perfective, being matter of farther building and perfection upon one and the same foundation; and again, how the gradations of light according to the dispensation of times, are material to the sufficiency of belief.

De gradibus cognitionis in civitate Dei.

Here again I may rather give it in advice, than note it as deficient, that the points fundamental, and the points of farther perfection, only ought to be with piety and wisdom distinguished; a subject tending to much like end, as that I noted before; for as that other were likely to abate the number of controversies, so this is like to abate the heat of many of them. We see Moses when he saw the Israelite and the Ægyptian fight, he did not say, "Why strive you?" but drew his sword, and slew the Ægyptian: but when he saw the two Israelites fight, he said, "You are brethren, why strive you?" If the point of doctrine be an Ægyptian, it must be slain by "the sword of the Spirit," and not reconciled; but if it be an Israelite, though in the wrong, then, "Why strive you?" We see of the fundamental points, our Saviour penneth the league thus; "He that is not with us, is against us;" but of points not fundamental, thus; "He that is not against us, is with us." So we see the coat of our Saviour was entire without seam, and so is the doctrine of the Scriptures in itself; but the garment of the church was of divers colours, and yet not divided: we see the chaff may and ought to be severed from the corn in the ear, but the tares may not be pulled up from the corn in the field. So as it is a thing of great use well to define, what, and of what latitude these points are, which do make men merely aliens and disincorporate from the church of God.

For the obtaining of the information, it resteth upon the true and sound interpretation of the Scriptures, which are the fountains of the water of life. The interpretations of the Scriptures are of two sorts: methodical, and solute or at large. For this divine water, which excelleth so much that of Jacob's well, is drawn forth much in the same kind, as natural water useth to be out of wells and fountains; either it is first forced up into a cistern, and from thence fetched and derived for use; or else it is drawn and received in buckets and vessels immediately where it springeth. The former sort whereof, though it seem to be the more ready, yet, in my judgment, is more subject to corrupt. This is that method which hath exhibited unto us the scholastical divinity, whereby divinity hath been reduced into an art as into a cistern, and the streams of doctrine or positions fetched and derived from thence.

In this men have sought three things, a summary brevity, a compacted strength, and a complete perfection; whereof the two first they fail to find, and the last they ought not to seek. For as to brevity, we see, in all summary methods, while men purpose to abridge, they give cause to dilate. For the sum, or abridgment, by contraction becometh obscure; the obscurity requireth exposition, and the exposition is deduced into large commentaries, or into common places and titles, which grow to be more vast than the original writings, whence the sum was at first extracted. So, we see, the volumes of the schoolmen are greater much than the first writings of the fathers, whence the master of the sentences made his sum or collection. So, in like manner, the volumes of the modern doctors of the civil law exceed those of the ancient jurisconsults, of which Trebonian compiled the digest. So as this course of sums and commentaries is that which doth infallibly make the body of sciences more immense in quantity, and more base in substance.

And for strength, it is true, that knowledges reduced into exact methods have a show of strength, in that each part seemeth to support and sustain the other; but this is more satisfactory than substantial: like unto buildings which stand by architecture and compaction, which are more subject to ruin, than those that are built more strong in their several

parts, though less compacted. But it is plain, that the more you recede from your grounds, the weaker do you conclude: and as in nature, the more you remove yourself from particulars, the greater peril of error you do incur; so much more in divinity, the more you recede from the Scriptures, by inferences and consequences, the more weak and dilute are your positions.

And as for perfection, or completeness in divinity, it is not to be sought; which makes this course of artificial divinity the more suspect. For he that will reduce a knowledge into an art, will make it round and uniform: but, in divinity, many things must be left abrupt and concluded with this: "O altitudo sapientiæ et scientiæ Dei! quam incomprehensibilia sunt judicia ejus, et non investigabiles viæ ejus!" So again the apostle saith, "Ex parte scimus;" and to have the form of a total, where there is but matter for a part, cannot be without supplies by supposition and presumption. And therefore I conclude, that the true use of these sums and methods hath place in institutions or introductions preparatory unto knowledge; but in them, or by deducement from them, to handle the main body and substance of a knowledge, is in all sciences prejudicial, and in divinity dangerous.

As to the interpretation of the Scriptures solute and at large, there have been divers kinds introduced and devised; some of them rather curious and unsafe, than sober and warranted. Notwithstanding, thus much must be confessed, that the Scriptures being given by inspiration, and not by human reason, do differ from all other books in the author; which by consequence doth draw on some difference to be used by the expositor. For the inditer of them did know four things which no man attains to know; which are, the mysteries of the kingdom of glory, the perfection of the laws of nature, the secrets of the heart of man, and the future succession of all ages. For as to the first, it is said, "He that presseth into the light, shall be oppressed of the glory." And again, "No man shall see my face and live." To the second, "When he prepared the heavens I was present, when by law and compass he enclosed the deep." To the third, "Neither was it needful that any should bear witness to him of man, for he knew well what was in man." And to the last, "From the beginning are known to the Lord all his works."

From the former of these two have been drawn certain senses and expositions of Scriptures, which had need be contained within the bounds of sobriety; the one anagogical, and the other philosophical. But as to the former, man is not to prevent his time: "Videmus nunc per speculum in ænigmate, tunc autem facie ad faciem;" wherein, nevertheless, there seemeth to be a liberty granted, as far forth as the polishing of this glass, or some moderate explication of this enigma. But to press too far into it, cannot but cause a dissolution and overthrow of the spirit of man: for in the body there are three degrees of that we receive into it, aliment, medicine, and poison; whereof aliment is that which the nature of man can perfectly alter and overcome; medicine is that which is partly converted by natu and partly converteth nature; and poison is th which worketh wholly upon nature, without th that nature can in any part work upon it: so in t mind, whatsoever knowledge reason cannot at work upon and convert, is a mere intoxication, a endangereth a dissolution of the mind and unde standing.

But for the latter, it hath been extremely set foot of late time by the school of Paracelsus, a some others, that have pretended to find the tru of all natural philosophy in the Scriptures; sca dalizing and traducing all other philosophy as he thenish and profane. But there is no such enmi between God's word and his works; neither they give honour to the Scriptures, as they suppo but much embase them. For to seek heaven a earth in the word of God, whereof it is said, "heav and earth shall pass, but my word shall not pas is to seek temporary things amongst eternal: a as to seek divinity in philosophy, is to seek t living amongst the dead; so to seek philosophy divinity, is to seek the dead amongst the livin neither are the pots or lavers, whose place was the outward part of the temple, to be sought in t holiest place of all, where the ark of the testimo was seated. And again, the scope or purpose of t Spirit of God is not to express matters of nature the Scriptures, otherwise than in passage, and f application to man's capacity, and to matters mor or divine. And it is a true rule, "Auctoris alu agentis parva auctoritas:" for it were a strange co clusion, if a man should use a similitude for orn ment or illustration sake, borrowed from nature history, according to vulgar conceit, as of a basilis an unicorn, a centaur, a Briareus, an Hydra, or t like, that therefore he must needs be thought affirm the matter thereof positively to be true. T conclude therefore, these two interpretations, the a by reduction or enigmatical, the other philosophic or physical, which have been received and pursued imitation of the rabbins and cabalists, are to be co fined with a "noli altum sapere, sed time."

But the two latter points, known to God, and u known to man, touching the secrets of the hea and the successions of time, do make a just an sound difference between the manner of the expo tion of the Scriptures and all other books. For is an excellent observation which hath been ma upon the answers of our Saviour Christ to many the questions which were propounded to him, h that they are impertinent to the state of th question demanded; the reason whereof is, becau not being like man, which knows man's thoughts b his words, but knowing man's thoughts immediate he never answered their words, but their thoughts much in the like manner it is with the Scripture which being written to the thoughts of men, and the succession of all ages, with a foresight of a heresies, contradictions, differing estates of th church, yea, and particularly of the elect, are n to be interpreted only according to the latitude the proper sense of the place, and respectively t wards that present occasion, whereupon the wor

are uttered, or in precise congruity or contexture with the words before or after, or in contemplation of the principal scope of the place; but have in themselves, not only totally or collectively, but distributively in clauses and words, infinite springs and streams of doctrine to water the church in every part: and therefore as the literal sense is, as it were, the main stream or river, so the moral sense chiefly, and sometimes the allegorical or typical, are they whereof the church hath most use: not that I wish men to be bold in allegories, or indulgent or light allusions; but that I do much condemn that interpretation of the Scripture, which is only after the manner as men use to interpret a profane book.

In this part, touching the exposition of the Scriptures, I can report no deficience; but by way of remembrance, this I will add, in perusing books of divinity, I find many books of controversies, and many common places, and treatises, a mass of positive divinity, as it is made an art; a number of sermons and lectures, and many prolix commentaries upon the Scriptures, with harmonies and concordances: but that form of writing in divinity, which in my judgment is of all others most rich and precious, is positive divinity, collected upon particular texts of Scripture in brief observations, not dilated into common places; not chasing after controversies; not reduced into method of art; a thing abounding in sermons, which will vanish, but defective in books which will remain, and a thing wherein this age excelleth. For I am persuaded, and I may speak with an "Absit invidia verbo," and no ways in derogation of antiquity, but as in a good emulation between the vine and the olive, that if the choice and best of those observations upon texts of Scripture, which have been made dispersedly in sermons within this your majesty's island of Britain, by the space of these forty years and more, leaving out the fulness of exhortations and applications thereunto, had been set down in a continuance, it had been the best work in divinity which had been written since the apostles' times.

The matter informed by divinity is of two kinds; matter of belief and truth of opinion, and matter of service and adoration; which is also judged and directed by the former; the one being as the intellectual soul of religion, and the other as the external body thereof. And therefore the heathen religion was not only a worship of idols, but the whole religion was an idol in itself, for it had no soul; that is, no certainty of belief or confession; as a man may well think, considering the chief doctors of their church were the poets: and the reason was, because the heathen gods were no jealous gods, but were glad to be admitted into part, as they had been. Neither did they respect the pureness of heart, so they might have external honour and rites. But out of these two do result and issue four main branches of divinity; Faith, Manners, Liturgy, and Government. Faith containeth the doctrine of the nature of God, of the attributes of God, and of the works of God. The nature of God consisteth of three persons in unity of Godhead. The attributes of God are either common to the Deity, or respective to the persons. The works of God summary are two, that of the creation, and that of the redemption; and both these works, as in total they appertain to the unity of the Godhead, so in their parts they refer to the three persons: that of the creation, in the mass of the matter, to the Father; in the disposition of the form, to the Son; and in the continuance and conservation of the being, to the Holy Spirit: so that of the redemption, in the election and counsel, to the Father; in the whole act and consummation, to the Son; and in the application, to the Holy Spirit; for by the Holy Ghost was Christ conceived in flesh, and by the Holy Ghost are the elect regenerate in spirit. This work likewise we consider either effectually, in the elect; or privately, in the reprobate; or according to appearance, in the visible church.

For Manners, the doctrine thereof is contained in the law, which discloseth sin. The law itself is divided, according to the edition thereof, into the law of nature, the law moral, and the law positive; and, according to the style, into negative and affirmative, prohibitions and commandments. Sin, in the matter and subject thereof, is divided according to the commandments; in the form thereof, it referreth to the three persons in Deity. Sins of infirmity against the Father, whose more special attribute is power; sins of ignorance against the Son, whose attribute is wisdom; and sins of malice against the Holy Ghost, whose attribute is grace or love. In the motions of it, it either moveth to the right hand or to the left, either to blind devotion, or to profane and libertine transgression; either in imposing restraint where God granteth liberty, or in taking liberty where God imposeth restraint. In the degrees and progress of it, it divideth itself into thought, word, or act. And in this part I commend much the deducing of the law of God to cases of conscience, for that I take indeed to be a breaking, and not exhibiting whole of the bread of life. But that which quickeneth both these doctrines of faith and manners, is the elevation and consent of the heart; whereunto appertain books of exhortation, holy meditation, christian resolution, and the like.

For the Liturgy or service, it consisteth of the reciprocal acts between God and man: which, on the part of God, are the preaching of the word, and the sacraments, which are seals to the covenant, or as the visible word; and on the part of man, invocation of the name of God; and, under the law, sacrifices; which were as visible prayers or confessions; but now the adoration being in spiritu et veritate, there remaineth only vituli labiorum, although the use of holy vows of thankfulness and retribution may be accounted also as sealed petitions.

And for the Government of the church, it consisteth of the patrimony of the church, the franchises of the church, and the offices and jurisdictions of the church, and the laws of the church directing the whole; all which have two considerations, the one in themselves, the other how they stand compatible and agreeable to the civil state.

This matter of divinity is handled either in form

of instruction of truth, or in form of confutation of falsehood. The declinations from religion, besides the privative, which is atheism, and the branches thereof, are three; heresies, idolatry, and witchcraft: heresies, when we serve the true God with a false worship; idolatry, when we worship false gods, supposing them to be true; and witchcraft, when we adore false gods, knowing them to be wicked and false. For so your majesty doth excellently well observe, that witchcraft is the height of idolatry. And yet we see, though these be true degrees, Samuel teaches us that they are all of a nature, when there is once a receding from the word of God; for so he saith, "Quasi peccatum ariolandi est repugnare, et quasi scelus idololatriæ nolle acquiescere."

These things I have passed over so briefly, because I can report no deficience concerning them: for I can find no space or ground that lieth vacant and unsown in the matter of divinity; so diligent have been men, either in sowing of good seed, or in sowing of tares.

Thus have I made, as it were, a small globe of the intellectual world, as truly and faithfully as I could discover; with a note and description of those parts which seem to me not constantly occupate, or not well converted by the labour of man. In whi if I have in any point receded from that which commonly received, it hath been with a purpose proceeding in melius, and not in aliud; a mind amendment and proficience, and not of change difference. For I could not be true and constant the argument I handle, if I were not willing to beyond others, but yet not more willing than have others go beyond me again; which may better appear by this, that I have propounded opinions naked and unarmed, not seeking to pre cupate the liberty of men's judgments by confu tions. For in any thing which is well set down am in good hope, that if the first reading move objection, the second reading will make an answ And in those things wherein I have erred, I sure, I have not prejudiced the right by litigi arguments, which certainly have this contrary eff and operation, that they add authority to error, destroy the authority of that which is well invent For question is an honour and preferment to fal hood, as on the other side it is a repulse to tru But the errors I claim and challenge to myself my own. The good, if any be, is due tanqu adeps sacrificii, to be incensed to the honour first the Divine Majesty, and next of your majesty, whom on earth I am most bounden.

MAGNALIA NATURÆ,

PRÆCIPUE QUOAD USUS HUMANOS.

The prolongation of life: the restitution of youth in some degree: the retardation of age: the curing of diseases counted incurable: the mitigation of pain: more easy and less loathsome purgings: the increasing of strength and activity: the increasing of ability to suffer torture or pain: the altering of complexions, and fatness and leanness: the altering of statures: the altering of features: the increasing and exalting of the intellectual parts: versions of bodies into other bodies: making of new species: transplanting of one species into another: instruments of destruction, as of war and poison: exhilaration of the spirits, and putting them in good disposition: force of the imagination, either upon another body, or upon the body itself: acceleration of time in maturations: acceleration of time in clarifications: acceleration of putrefaction: acceleration of decoction: acceleration of germination: making rich composts for the earth: impressions of the air, and raising of tempests: great alteration; as in induration, emollition, &c. turning crude and watery substances into oily and unctuous substances: drawing of new foods out of substances not now in use: making new threads for apparel; and new stuffs, such as are paper, glass, &c.: natural divinations: deceptions of the senses: greater pleasures of the senses: artificial minerals and cements.

SYLVA SYLVARUM:

OR,

A NATURAL HISTORY.

IN TEN CENTURIES.

TO THE READER.

Having had the honour to be continually with my lord in compiling of this work, and to be employed therein, I have thought it not amiss, with his lordship's good leave and liking, for the better satisfaction of those that shall read it, to make known somewhat of his lordship's intentions touching the ordering and publishing of the same. I have heard his lordship often say, that if he should have served the glory of his own name, he had been better not to have published this Natural History: for it may seem an undigested heap of particulars, and cannot have that lustre, which books cast into methods have; but that he resolved to prefer the good of men, and that which might best secure it, before any thing that might have relation to himself. And he knew well, that there was no other way open to unloose men's minds, being bound, and, as it were, maleficiate, by the charms of deceiving notions and theories, and thereby made impotent for generation of works, but only no where to depart from the sense, and clear experience, but to keep close to it, especially in the beginning: besides, this Natural History was a debt of his, being designed and set down for a third part of the "Instauration." I have also heard his lordship discourse, that men, no doubt, will think many of the experiments, contained in this collection, to be vulgar and trivial, mean and sordid, curious and fruitless, and therefore he wisheth that they would have perpetually before their eyes what is now in doing, and the difference between this Natural History and others. For those Natural Histories which are extant, being gathered for delight and use, are full of pleasant descriptions and pictures, and affect and seek after admiration, rarities, and secrets. But, contrariwise, the scope which his lordship intendeth, is to write such a Natural History as may be fundamental to the erecting and building of a

true philosophy, for the illumination of the understanding, the extracting of axioms, and the producing of many noble works and effects. For he hopeth by this means to acquit himself of that for which he taketh himself in a sort bound, and that is, the advancement of all learning and sciences. For, having in this present work collected the materials for the building, and in his "Novum Organum," of which his lordship is yet to publish a second part, set down the instruments and directions for the work; men shall now be wanting to themselves, if they raise not knowledge to that perfection whereof the nature of mortal men is capable. And in this behalf, I have heard his lordship speak complainingly, that his lordship, who thinketh he deserveth to be an architect in this building, should be forced to be a workman, and a labourer, and to dig the clay, and burn the brick; and, more than that, according to the hard condition of the israelites at the latter end, to gather the straw and stubble, over all the fields, to burn the bricks withal. For he knoweth, that except he do it, nothing will be done: men are so set to despise the means of their own good. And as for the baseness of many of the experiments; as long as they be God's works, they are honourable enough. And for the vulgarness of them, true axioms must be drawn from plain experience, and not from doubtful; and his lordship's course is to make wonders plain, and not plain things wonders; and that experience likewise must be broken and grinded, and not whole, or as it groweth. And for use; his lordship hath often in his mouth the two kinds of experiments; experimenta fructifera, and experimenta lucifera; experiments of use, and experiments of light: and he reporteth himself, whether he were not a strange man, that should think that light hath no use, because it hath no matter. Further his lordship thought good also to add unto many of the experiments themselves some gloss of the causes; that in the succeeding work of interpreting nature, and framing axioms, all things may be in more readiness. And for the causes herein by him assigned; his lordship persuadeth himself, they are far more certain than those that are rendered by others; not for any excellency of his own wit, as his lordship is wont to say, but in respect of his continual conversation with nature and experience. He did consider likewise, that by this addition of causes, men's minds, which make so much haste to find out the causes of things, would not think themselves utterly lost in a vast wood of experience, but stay upon these causes, such as they are, a little, till true axioms may be more fully discovered. I have heard his lordship say also, that one great reason, why he would not put these particulars into any exact method, though he that looketh attentively into them shall find that they have a secret order, was, because he conceived that other men would now think that they could do the like; and so go on with a farther collection: which if the method had been exact, many would have despaired to attain by imitation. As for his lordship's love of order, I can refer any man to his lordship's Latin book, "De Augmentis Scientiarum;" which, if my judgment be any thing, is written in the exactest order that I know any writing to be. I will conclude with an usual speech of his lordship's: That this work of his Natural History is the world as God made it, and not as men have made it; for that it hath nothing of imagination.

W. RAWLEY.

This epistle is the same, that should have been prefixed to this book, if his lordship had lived.

CENTURY I.

Experiments in consort, touching the straining and passing of bodies one through another; which they call Percolation.

DIG a pit upon the sea-shore, somewhat above the high-water mark, and sink it as deep as the low-water mark; and as the tide cometh in, it will fill with water, fresh and potable. This is commonly practised upon the coast of Barbary, where other fresh water is wanting. And Cæsar knew this well when he was besieged in Alexandria: for by digging of pits in the sea-shore, he did frustrate the laborious works of the enemies, which had turned the sea-water upon the wells of Alexandria; and so saved his army being then in desperation. But Cæsar mistook the cause, for he thought that all sea-sands had natural springs of fresh water: but it is plain, that it is the sea-water: because the pit filleth according to the measure of the tide; and the sea-water passing or straining through the sands, leaveth the saltness.

2. I remember to have read, that trial hath been made of salt-water passed through earth, through ten vessels, one within another; and yet it hath not lost its saltness, as to become potable: but the same man saith, that by the relation of another, salt-water drained through twenty vessels hath become fresh. This experiment seemeth to cross that other of pits made by the sea-side; and yet but in part, if it be true that twenty repetitions do the effect. But it is worth the note, how poor the imitations of nature are in common course of experiments, except they be led by great judgment, and some good light of axioms. For first, there is no small difference between a passage of water through twenty small vessels, and through such a distance, as between the low-water and high-water mark. Secondly, there is a great difference between earth and sand;

for all earth hath in it a kind of nitrous salt, from which sand is more free; and besides, earth doth not strain the water so finely as sand doth. But there is a third point, that I suspect as much or more than the other two; and that is, that in the experiment of transmission of the sea-water into the pits, the water riseth; but in the experiment of transmission of the water through the vessels, it falleth. Now certain it is that the salter part of water, once salted throughout, goeth to the bottom. And therefore no marvel, if the draining of water by descent doth not make it fresh: besides, I do somewhat doubt, that the very dashing of water, that cometh from the sea, is more proper to strike off the salt part, than where the water slideth of its own motion.

3. It seemeth percolation, or transmission, which is commonly called straining, is a good kind of separation, not only of thick from thin, and gross from fine, but of more subtile natures; and varieth according to the body through which the transmission is made: as if through a woollen bag, the liquor leaveth the fatness; if through sand, the saltness, &c. They speak of severing wine from water, passing it through ivy wood, or through other the like porous body; but non constat.

4. The gum of trees, which we see to be commonly shining and clear, is but a fine passage or straining of the juice of the tree through the wood and bark. And in like manner, Cornish diamonds, and rock rubies, which are yet more resplendent than gums, are the fine exudations of stone.

5. Aristotle giveth the cause, vainly, why the feathers of birds are of more lively colours than the hairs of beasts; for no beast hath any fine azure, or carnation, or green hair. He saith, it is because birds are more in the beams of the sun than beasts; but that is manifestly untrue; for cattle are more in the sun than birds, that live commonly in the woods, or in some covert. The true cause is, that the excrementitious moisture of living creatures, which maketh as well the feathers in birds, as the hair in beasts, passeth in birds through a finer and more delicate strainer than it doth in beasts: for feathers pass through quills; and hair through skin.

6. The clarifying of liquors by adhesion, is an inward percolation; and is effected, when some cleaving body is mixed and agitated with the liquors: whereby the grosser part of the liquor sticks to that cleaving body; and so the finer parts are freed from the grosser. So the apothecaries clarify their syrups by whites of eggs, beaten with the juices which they would clarify; which whites of eggs gather all the dregs and grosser parts of the juice to them; and after the syrup being set on the fire, the whites of eggs themselves harden, and are taken forth. So hippocras is clarified by mixing with milk, and stirring it about, and then passing it through a woollen bag, which they call Hippocrates's Sleeve, and the cleaving nature of the milk draweth the powder of the spices, and grosser parts of the liquor to it; and in the passage they stick upon the woollen bag.

7. The clarifying of water is an experiment tending to health; besides the pleasure of the eye, when water is crystalline. It is effected by casting in and placing pebbles at the head of the current, that the water may strain through them.

8. It may be, percolation doth not only cause clearness and splendour, but sweetness of savour; for that also followeth as well as clearness, when the finer parts are severed from the grosser. So it is found, that the sweats of men, that have much heat, and exercise much, and have clean bodies, and fine skins, do smell sweet; as was said of Alexander; and we see commonly that gums have sweet odours.

Experiments in consort, touching motion of bodies upon their pressure.

9. Take a glass, and put water into it, and wet your finger, and draw it round about the lip of the glass, pressing it somewhat hard; and after you have drawn it some few times about, it will make the water frisk and sprinkle up in a fine dew. This instance doth excellently demonstrate the force of compression in a solid body: for whensoever a solid body, as wood, stone, metal, &c. is pressed, there is an inward tumult in the parts thereof seeking to deliver themselves from the compression: and this is the cause of all violent motion. Wherein it is strange, in the highest degree, that this motion hath never been observed, nor inquired; it being of all motions the most common, and the chief root of all mechanical operations. This motion worketh in round at first, by way of proof and search which way to deliver itself: and then worketh in progress, where it findeth the deliverance easiest. In liquors this motion is visible; for all liquors strucken make round circles, and withal dash; but in solids, which break not, it is so subtile, as it is invisible; but nevertheless bewrayeth itself by many effects; as in this instance whereof we speak. For the pressure of the finger, furthered by the wetting, because it sticketh so much the better unto the lip of the glass, after some continuance, putteth all the small parts of the glass into work; that they strike the water sharply; from which percussion that sprinkling cometh.

10. If you strike or pierce a solid body that is brittle, as glass, or sugar, it breaketh not only where the immediate force is; but breaketh all about into shivers and fitters; the motion, upon the pressure, searching always, and breaking where it findeth the body weakest.

11. The powder in shot, being dilated into such a flame as endureth not compression, moveth likewise in round, the flame being in the nature of a liquid body, sometimes recoiling, sometimes breaking the piece, but generally discharging the bullet, because there it findeth easiest deliverance.

12. This motion upon pressure, and the reciprocal thereof, which is motion upon tensure, we use to call, by one common name, motion of liberty; which is, when any body, being forced to a preternatural extent or dimension, delivereth and restoreth itself to the natural: as when a blown bladder, pressed, riseth again; or when leather or cloth tentured,

spring back. These two motions, of which there be infinite instances, we shall handle in due place.

13. This motion upon pressure is excellently also demonstrated in sounds; as when one chimeth upon a bell, it soundeth; but as soon as he layeth his hand upon it, the sound ceaseth; and so the sound of a virginal string, as soon as the quill of the jack falleth from it, stoppeth. For these sounds are produced by the subtle percussion of the minute parts of the bell or string upon the air; all one, as the water is caused to leap by the subtile percussion of the minute parts of the glass upon the water, whereof we spake a little before in the ninth experiment. For you must not take it to be the local shaking of the bell, or string, that doth it: as we shall fully declare, when we come hereafter to handle sounds.

Experiments in consort touching separations of bodies by weight.

14. Take a glass with a belly and a long neb; fill the belly, in part, with water: take also another glass, whereinto put claret wine and water mingled; reverse the first glass, with the belly upwards, stopping the neb with your finger; then dip the mouth of it within the second glass, and remove your finger: continue it in that posture for a time; and it will unmingle the wine from the water: the wine ascending and settling in the top of the upper glass; and the water descending and settling in the bottom of the lower glass. The passage is apparent to the eye; for you shall see the wine, as it were, in a small vein, rising through the water. For handsomeness sake, because the working requireth some small time, it were good you hang the upper glass upon a nail. But as soon as there is gathered so much pure and unmixed water in the bottom of the lower glass, as that the mouth of the upper glass dippeth into it, the motion ceaseth.

15. Let the upper glass be wine, and the lower water; there followeth no motion at all. Let the upper glass be water pure, the lower water coloured, or contrariwise, there followeth no motion at all. But it hath been tried, that though the mixture of wine and water, in the lower glass, be three parts water, and but one wine, yet it doth not dead the motion. This separation of water and wine appeareth to be made by weight; for it must be of bodies of unequal weight, or else it worketh not; and the heavier body must ever be in the upper glass. But then note withal, that the water being made pensile, and there being a great weight of water in the belly of the glass, sustained by a small pillar of water in the neck of the glass, it is that which setteth the motion on work: for water and wine in one glass, with long standing, will hardly sever.

16. This experiment would be extended from mixtures of several liquors, to simple bodies which consist of several similar parts: try it therefore with brine or salt-water, and fresh water; placing the salt-water, which is the heavier, in the upper glass; and see whether the fresh will come above. Try it also with water thick sugared, and pure water; and see whether the water, which cometh above, will lose its sweetness: for which purpose it were good there were a little cock made in the belly of the upper glass.

Experiments in consort, touching judicious and accurate infusions, both in liquors and air.

17. In bodies containing fine spirits, which do easily dissipate, when you make infusions, the rule is, a short stay of the body in the liquor, receiveth the spirit; and a longer stay confoundeth it; because it draweth forth the earthy part withal, which embaseth the finer. And therefore it is an error in physicians, to rest simply upon the length of stay for increasing the virtue. But if you will have the infusion strong, in those kinds of bodies which have fine spirits, your way is not to give longer time, but to repeat the infusion of the body oftener. Take violets, and infuse a good pugil of them in a quart of vinegar; let them stay three quarters of an hour, and take them forth, and refresh the infusion with like quantity of new violets, seven times; and it will make a vinegar so fresh of the flower, as if, a twelvemonth after, it be brought you in a saucer, you shall smell it before it come at you. Note, that it smelleth more perfectly of the flower a good while after than at first.

18. This rule, which we have given, is of singular use for the preparations of medicines, and other infusions. As for example: the leaf of burrage hath an excellent spirit to repress the fuliginous vapour of dusky melancholy, and so to cure madness: but nevertheless, if the leaf be infused long, it yieldeth forth but a raw substance, of no virtue: therefore I suppose, that if in the must of wine, or wort of beer, while it worketh, before it be tunned, the burrage stay a small time, and be often changed with fresh, it will make a sovereign drink for melancholy passions. And the like I conceive of orange flowers.

19. Rhubarb hath manifestly in it parts of contrary operations; parts that purge, and parts that bind the body; and the first lie looser, and the latter lie deeper: so that if you infuse rhubarb for an hour, and crush it well, it will purge better, and bind the body less after the purging, than if it had stood twenty-four hours; this is tried: but I conceive likewise, that by repeating the infusion of rhubarb several times, as was said of violets, letting each stay in but a small time; you may make it as strong a purging medicine as scammony. And it is not a small thing won in physic, if you can make rhubarb and other medicines that are benedict, as strong purgers as those that are not without some malignity.

20. Purging medicines, for the most part, have their purgative virtue in a fine spirit; as appeareth by that they endure not boiling without much loss of virtue. And therefore it is of good use in physic, if you can retain the purging virtue, and take away the unpleasant taste of the purger; which it is like you may do, by this course of infusing oft, with little stay. For it is probable that the horrible and odious taste is in the grosser part.

21. Generally, the working by infusions is gross

and blind, except you first try the issuing of the several parts of the body, which of them issue more speedily, and which more slowly; and so by apportioning the time, can take and leave that quality which you desire. This to know there are two ways; the one to try what long stay and what short stay worketh, as hath been said; the other to try in order the succeeding infusions of one and the same body, successively, in several liquors. As for example; take orange pills, or rosemary, or cinnamon, or what you will; and let them infuse half an hour in water: then take them out, and infuse them again in other water; and so the third time: and then taste and consider the first water, the second, and the third; and you will find them differing, not only in strength and weakness, but otherwise in taste or odour; for it may be the first water will have more of the scent, as more fragrant; and the second more of the taste, as more bitter or biting, &c.

22. Infusions in air, for so we may well call odours, have the same diversities with infusions in water; in that the several odours, which are in one flower, or other body, issue at several times; some earlier, some later: so we find that violets, woodbines, strawberries, yield a pleasing scent, that cometh forth first; but soon after an ill scent quite differing from the former. Which is caused, not so much by mellowing, as by the late issuing of the grosser spirit.

23. As we may desire to extract the finest spirits in some cases; so we may desire also to discharge them, as hurtful, in some other. So wine burnt, by reason of the evaporating of the finer spirit, inflameth less, and is best in agues: opium loseth some of its poisonous quality, if it be vapoured out, mingled with spirit of wine, or the like: sena loseth somewhat of its windiness by decocting; and, generally, subtile or windy spirits are taken off by incension, or evaporation. And even in infusions in things that are of too high a spirit, you were better pour off the first infusion, after a small time, and use the latter.

Experiment solitary touching the appetite of continuation in liquids.

24. Bubbles are in the form of a hemisphere; air within, and a little skin of water without: and it seemeth somewhat strange, that the air should rise so swiftly while it is in the water; and when it cometh to the top, should be stayed by so weak a cover as that of the bubble is. But as for the swift ascent of the air, while it is under the water, that is a motion of percussion from the water; which itself descending driveth up the air; and no motion of levity in the air. And this Democritus called motus plagæ. In this common experiment, the cause of the enclosure of the bubble is, for that the appetite to resist separation, or discontinuance, which in solid bodies is strong, is also in liquors, though fainter and weaker; as we see in this of the bubble: we see it also in little glasses of spittle that children make of rushes; and in castles of bubbles, which they make by blowing into water, having obtained a little degree of tenacity by mixture of soap: we see it also in the stillicides of water, which, if there be water enough to follow, will draw themselves into a small thread, because they will not discontinue; but if there be no remedy, then they cast themselves into round drops; which is the figure that saveth the body most from discontinuance: the same reason is of the roundness of the bubble, as well for the skin of water, as for the air within: for the air likewise avoideth discontinuance; and therefore casteth itself into a round figure. And for the stop and arrest of the air a little while, it showeth that the air of itself hath little or no appetite of ascending.

Experiment solitary touching the making of artificial springs.

25. The rejection, which I continually use, of experiments, though it appeareth not, is infinite; but yet if an experiment be probable in the work, and of great use, I receive it, but deliver it as doubtful. It was reported by a sober man, that an artificial spring may be made thus: Find out a hanging ground, where there is a good quick fall of rainwater. Lay a half-trough of stone, of a good length, three or four foot deep within the same ground; with one end upon the high ground, the other upon the low. Cover the trough with brakes a good thickness, and cast sand upon the top of the brakes: you shall see, saith he, that after some showers are past, the lower end of the trough will run like a spring of water: which is no marvel, if it hold while the rain-water lasteth; but he said it would continue long time after the rain is past: as if the water did multiply itself upon the air, by the help of the coldness and condensation of the earth, and the consort of the first water.

Experiment solitary touching the venomous quality of man's flesh.

26. The French, which put off the name of the French disease unto the name of the disease of Naples, do report, that at the siege of Naples, there were certain wicked merchants that barrelled up man's flesh, of some that had been lately slain in Barbary, and sold it for tunny; and that upon that foul and high nourishment was the original of that disease. Which may well be; for that it is certain that the cannibals in the West Indies eat man's flesh; and the West Indies were full of the pox when they were first discovered: and at this day the mortalest poisons, practised by the West Indians, have some mixture of the blood, or fat, or flesh of man: and divers witches and sorceresses, as well amongst the heathen as amongst the christians, have fed upon man's flesh, to aid, as it seemeth, their imagination, with high and foul vapours.

Experiment solitary touching the version and transmutation of air into water.

27. It seemeth that there be these ways, in likelihood, of version of vapours or air, into water and moisture. The first is cold; which doth manifestly condense; as we see in the contracting of the air in the weather-glass; whereby it is a degree nearer to water. We see it also in the generation of springs,

which the ancients thought, very probably, to be made by the version of air into water, holpen by the rest, which the air hath in those parts; whereby it cannot dissipate. And by the coldness of rocks: for there springs are chiefly generated. We see it also in the effects of the cold of the middle region, as they call it, of the air; which produceth dews and rains. And the experiment of turning water into ice, by snow, nitre, and salt, whereof we shall speak hereafter, would be transferred to the turning of air into water. The second way is by compression; as in stillatories, where the vapour is turned back upon itself, by the encounter of the sides of the stillatory; and in the dew upon the covers of boiling pots; and in the dew towards rain, upon marble and wainscot. But this is like to do no great effect; except it be upon vapours, and gross air, that are already very near in degree to water. The third is that, which may be searched into, but doth not yet appear; which is, by mingling of moist vapours with air; and trying if they will not bring a return of more water, than the water was at first: for if so, that increase is a version of the air: therefore put water into the bottom of a stillatory, with the neb stopped; weigh the water first; hang in the middle of a stillatory a large spunge; and see what quantity of water you can crush out of it; and what it is more, or less, compared with the water spent; for you must understand, that if any version can be wrought, it will be easiliest done in small pores: and that is the reason why we prescribe a spunge. The fourth way is probable also, though not appearing; which is, by receiving the air into the small pores of bodies: for, as hath been said, every thing in small quantity is more easy for version; and tangible bodies have no pleasure in the consort of air, but endeavour to subact it into a more dense body; but in entire bodies it is checked; because if the air should condense, there is nothing to succeed: therefore it must be in loose bodies, as sand, and powder; which, we see, if they lie close, of themselves gather moisture.

Experiment solitary touching helps towards the beauty and good features of persons.

28. It is reported by some of the ancients; that whelps, or other creatures, if they be put young into such a cage or box, as they cannot rise to their stature, but may increase in breadth or length, will grow accordingly as they can get room: which if it be true and feasible, and that the young creature so pressed and straitened, doth not thereupon die; it is a means to produce dwarf creatures, and in a very strange figure. This is certain, and noted long since, that the pressure or forming of parts of creatures, when they are very young, doth alter the shape not a little; as the stroking of the heads of infants, between the hands, was noted of old to make Macrocephali; which shape of the head, at that time, was esteemed. And the raising gently of the bridge of the nose, doth prevent the deformity of a saddle nose. Which observation well weighed, may teach a means to make the persons of men and women, in many kinds, more comely and better featured than otherwise they would be, by the forming and shaping of them in their infancy: as by stroking up the calves of the legs, to keep them from falling down too low; and by stroking up the forehead, to keep them from being low-foreheaded. And it is a common practice to swathe infants, that they may grow more straight and better shaped: and we see young women, by wearing strait bodice, keep themselves from being gross and corpulent.

Experiment solitary touching the condensing of air in such sort as it may put on weight, and yield nourishment.

29. Onions, as they hang, will many of them shoot forth; and so will penny-royal; and so will an herb called orpin; with which they use in the country to trim their houses, binding it to a lath or stick, and setting it against the wall. We see it likewise, more especially, in the greater semper-vive, which will put out branches two or three years: but it is true, that commonly they wrap the root in a cloth besmeared with oil, and renew it once in half a year. The like is reported by some of the ancients, of the stalks of lilies. The cause is; for that these plants have a strong, dense, and succulent moisture, which is not apt to exhale; and so is able, from the old store, without drawing help from the earth, to suffice the sprouting of the plant: and this sprouting is chiefly in the late spring, or early summer; which are the times of putting forth. We see also, that stumps of trees, lying out of the ground, will put forth sprouts for a time. But it is a noble trial, and of very great consequence, to try whether these things, in the sprouting, do increase weight; which must be tried, by weighing them before they are hanged up, and afterwards again when they are sprouted. For if they increase not in weight, then it is no more but this; that what they send forth in the sprout, they lose in some other part: but if they gather weight, then it is magnale naturæ; for it shows that air may be made so to be condensed, as to be converted into a dense body; whereas the race and period of all things, here above the earth, is to extenuate and turn things to be more pneumatical and rare; and not to be retrograde, from pneumatical to that which is dense. It showeth also that air can nourish; which is another great matter of consequence. Note, that to try this, the experiment of the semper-vive must be made without oiling the cloth; for else, it may be, the plant receiveth nourishment from the oil.

Experiment solitary touching the commixture of flame and air, and the great force thereof

30. Flame and air do not mingle, except it be in an instant; or in the vital spirit of vegetables and living creatures. In gunpowder, the force of it hath been ascribed to rarefaction of the earthy substance into flame; and thus far it is true: and then, forsooth, it is become another element; the form whereof occupieth more place; and so, of necessity, followeth a dilatation: and therefore, lest two bodies should be in one place, there must needs also follow an expulsion of the pellet; or blowing up of the

mine. But these are crude and ignorant speculations. For flame, if there were nothing else, except it were in very great quantity, will be suffocate with any hard body, such as a pellet is, or the barrel of a gun; so as the flame would not expel the hard body; but the hard body would kill the flame, and not suffer it to kindle or spread. But the cause of this so potent a motion, is the nitre, which we call otherwise saltpetre, which having in it a notable crude and windy spirit, first by the heat of the fire suddenly dilateth itself; and we know that simple air, being preternaturally attenuated by heat, will make itself room, and break and blow up that which resisteth it; and secondly, when the nitre hath dilated itself, it bloweth abroad the flame, as an inward bellows. And therefore we see that brimstone, pitch, camphire, wild-fire, and divers other inflammable matters, though they burn cruelly, and are hard to quench, yet they make no such fiery wind as gunpowder doth: and on the other side, we see that quick-silver, which is a most crude and watery body, heated, and pent in, hath the like force with gunpowder. As for living creatures, it is certain, their vital spirits are a substance compounded of an airy and flamy matter; and though air and flame wrang free, will not well mingle; yet bound in by a body that hath some fixing, they will. For that you may best see in those two bodies, which are their aliments, water and oil; for they likewise will not well mingle of themselves; but in the bodies of plants, and living creatures, they will. It is no marvel therefore, that a small quantity of spirits in the cells of the brain, and canals of the sinews, are able to move the whole body, which is of so great mass, both with so great force, as in wrestling, leaping; and with so great swiftness, as in playing division upon the lute. Such is the force of these two natures, air and flame, when they incorporate.

Experiment solitary touching the secret nature of flame.

31. Take a small wax candle, and put it in a socket of brass or iron; then set it upright in a porringer full of spirit of wine heated: then set both the candle and spirit of wine on fire, and you shall see the flame of the candle open itself, and become four or five times bigger than otherwise it would have been; and appear in figure globular, and not in pyramis. You shall see also, that the inward flame of the candle keepeth colour, and doth not wax any whit blue towards the colour of the outward flame of the spirit of wine. This is a noble instance; wherein two things are most remarkable; the one, that one flame within another quencheth not; but is a fixed body, and continueth as air or water do. And therefore flame would still ascend upwards in one greatness, if it were not quenched on the sides: and the greater the flame is at the bottom, the higher is the rise. The other, that flame doth not mingle with flame, as air doth with air, or water with water, but only remaineth contiguous; as it cometh to pass betwixt consisting bodies. It appeareth also, that the form of a pyramis in flame, which we usually see, is merely by accident, and that the air about, by quenching the sides of the flame, crusheth it, and extenuateth it into that form; for of itself it would be round; and therefore smoke is in the figure of a pyramis reversed; for the air quencheth the flame and receiveth the smoke. Note also, that the flame of the candle, within the flame of the spirit of wine, is troubled; and doth not only open and move upwards, but moveth waving, and to and fro; as if flame of its own nature, if it were not quenched, would roll and turn, as well as move upwards. By all which it should seem, that the celestial bodies, most of them, are true fires or flames, as the Stoics held; more fine, perhaps, and rarified, than our flame is. For they are all globular and determinate; they have rotation; and they have the colour and splendour of flame: so that flame above is durable, and consistent, and in its natural place; but with us it is a stranger, and momentary, and impure: like Vulcan that halted with his fall.

Experiment solitary touching the different force of flame in the midst and on the sides.

32. Take an arrow, and hold it in flame for the space of ten pulses, and when it cometh forth you shall find those parts of the arrow which were on the outsides of the flame more burned, blacked, and turned almost into a coal, whereas that in the midst of the flame will be as if the fire had scarce touched it. This is an instance of great consequence for the discovery of the nature of flame; and showeth manifestly, that flame burneth more violently towards the sides than in the midst: and, which is more, that heat or fire is not violent or furious, but where it is checked and pent. And therefore the Peripatetics, howsoever their opinion of an element of fire above the air is justly exploded, in that point they acquit themselves well: for being opposed, that if there were a sphere of fire, that encompassed the earth so near hand, it were impossible but all things should be burnt up; they answer, that the pure elemental fire, in its own place, and not irritated, is but of a moderate heat.

Experiment solitary touching the decrease of the natural motion of gravity, in great distance from the earth; or within some depth of the earth.

33. It is affirmed constantly by many, as a usual experiment, that a lump of ore, in the bottom of a mine, will be tumbled and stirred by two men's strength; which if you bring it to the top of the earth, will ask six men's strength at the least to stir it. It is a noble instance, and is fit to be tried to the full; for it is very probable, that the motion of gravity worketh weakly, both far from the earth, and also within the earth: the former, because the appetite of union of dense bodies with the earth, in respect to the distance, is more dull: the latter, because the body hath in part attained its nature when it is some depth in the earth. For as for the moving to a point or place, which was the opinion of the ancients, it is a mere vanity.

Experiment solitary touching the contraction of bodies in bulk, by the mixture of the more liquid body with the more solid.

34. It is strange how the ancients took up experiments upon credit, and yet did build great matters upon them. The observation of some of the best of them, delivered confidently, is, that a vessel filled with ashes will receive the like quantity of water, that it would have done if it had been empty. But this is utterly untrue, for the water will not go in by a fifth part. And I suppose, that that fifth part is the difference of the lying close, or open, of the ashes; as we see that ashes alone, if they be hard pressed, will lie in less room: and so the ashes with air between, lie looser; and with water, closer. For I have not yet found certainly, that the water itself, by mixture of ashes or dust, will shrink or draw into less room.

Experiment solitary touching the making vines more fruitful.

35. It is reported of credit, that if you lay good store of kernels of grapes about the root of a vine, it will make the vine come earlier and prosper better. It may be tried with other kernels laid about the root of a plant of the same kind; as figs, kernels of apples, &c. The cause may be, for that the kernels draw out of the earth juice fit to nourish the tree, as those that would be trees of themselves, though there were no root; but the root being of greater strength robbeth and devoureth the nourishment, when they have drawn it: as great fishes devour little.

Experiments in consort touching purging medicines.

36. The operation of purging medicines, and the causes thereof, have been thought to be a great secret; and so, according to the slothful manner of men, it is referred to a hidden propriety, a specifical virtue, and a fourth quality, and the like shifts of ignorance. The causes of purging are divers; all plain and perspicuous; and throughly maintained by experience. The first is, that whatsoever cannot be overcome and digested by the stomach, is by the stomach either put up by vomit, or put down to the guts; and by that motion of expulsion in the stomach and guts, other parts of the body, as the orifices of the veins, and the like, are moved to expel by consent. For nothing is more frequent than motion of consent in the body of man. This surcharge of the stomach is caused either by the quality of the medicine, or by the quantity. The qualities are three: extreme bitter, as in aloes, coloquintida, &c.; loathsome and of horrible taste, as in agaric, black hellebore, &c.; and of secret malignity, and disagreement towards man's body, many times not appearing much in the taste, as in scammony, mechoachan, antimony, &c. And note well, that if there be any medicine that purgeth, and hath neither of the first two manifest qualities, it is to be held suspected as a kind of poison; for that it worketh either by corrosion, or by a secret malignity, and enmity to nature; and therefore such medicines are warily to be prepared and used. The quantity of that which is taken doth also cause purging; as we see in a great quantity of new milk from the cow; yea, and a great quantity of meat; for surfeits many times turn to purges, both upwards and downwards. Therefore we see generally, that the working of purging medicines cometh two or three hours after the medicines taken; for that the stomach first maketh a proof, whether it can concoct them. And the like happeneth after surfeits, or milk in too great quantity.

37. A second cause is mordication of the orifices of the parts; especially of the mesentery veins; as it is seen, that salt, or any such thing that is sharp and biting, put into the fundament, doth provoke the part to expel; and mustard provoketh sneezing; and any sharp thing to the eyes provoketh tears. And therefore we see that almost all purgers have a kind of twitching and vellication, besides the griping which cometh of wind. And if this mordication be in an over-high degree, it is little better than the corrosion of poison; as it cometh to pass sometimes in antimony, especially if it be given to bodies not replete with humours; for where humours abound, the humours save the parts.

38. The third cause is attraction: for I do not deny, but that purging medicines have in them a direct force of attraction; as drawing plaisters have in surgery: and we see sage or betony bruised, sneezing powder, and other powders, or liquor, which the physicians call errhines, put into the nose, draw phlegm and water from the head; and so it is in apophlegmatisms and gargarisms that draw the rheum down by the palate. And by this virtue, no doubt, some purgers draw more one humour, and some another, according to the opinion received: as rhubarb draweth choler; sena melancholy; agaric phlegm, &c.; but yet, more or less, they draw promiscuously. And note also, that besides sympathy between the purger and the humour, there is also another cause, why some medicines draw some humour more than another. And it is, for that some medicines work quicker than others: they that draw quick, draw only the lighter and more fluid humours; and they that draw slow, work upon the more tough and viscous humours. And therefore men must beware how they take rhubarb, and the like, alone familiarly; for it taketh only the lightest part of the humour away, and leaveth the mass of humours more obstinate. And the like may be said of wormwood, which is so much magnified.

39. The fourth cause is flatuosity; for wind stirred moveth to expel: and we find that, in effect, all purgers have in them a raw spirit or wind; which is the principal cause of tortion in the stomach and belly. And therefore purgers lose, most of them, the virtue, by decoction upon the fire; and for that cause are given chiefly in infusion, juice, or powder.

40. The fifth cause is compression or crushing; as when water is crushed out of a spunge: so we see that taking cold moveth looseness by contraction of the skin and outward parts; and so doth cold likewise cause rheums, and defluxions from the head; and some astringent plaisters crush out puru-

lent matter. This kind of operation is not found in many medicines: myrobalanes have it; and it may be the barks of peaches; for this virtue requireth an astriction; but such an astriction as is not grateful to the body; for a pleasing astriction doth rather bind in the humours than expel them: and therefore, such astriction is found in things of a harsh taste.

41. The sixth cause is lubrefaction and relaxation. As we see in medicines emollient; such as are milk, honey, mallows, lettuce, mercurial, pellitory of the wall, and others. There is also a secret virtue of relaxation in cold: for the heat of the body bindeth the parts and humours together, which cold relaxeth: as it is seen in urine, blood, pottage, or the like; which, if they be cold, break and dissolve. And by this kind of relaxation, fear looseneth the belly; because the heat retiring inwards towards the heart, the guts and other parts are relaxed; in the same manner as fear also causeth trembling in the sinews. And of this kind of purgers are some medicines made of mercury.

42. The seventh cause is abstersion; which is plainly scouring off, or incision of the more viscous humours, and making the humours more fluid; and cutting between them and the part: as is found in nitrous water, which scoureth linen cloth speedily from the foulness. But this incision must be by a sharpness, without astriction: which we find in salt, wormwood, oxymel, and the like.

43. There be medicines that move stools, and not urine; some other, urine, and not stools. Those that purge by stool, are such as enter not at all, or little, into the mesentery veins; but either at the first are not digestible by the stomach, and therefore move immediately downwards to the guts; or else are afterwards rejected by the mesentery veins, and do turn likewise downwards to the guts; and of these two kinds are most purgers. But those that move urine, are such as are well digested of the stomach, and well received also of the mesentery veins; so they come as far as the liver, which sendeth urine to the bladder, as the whey of blood: and those medicines being opening and piercing, do fortify the operation of the liver, in sending down the wheyey part of the blood to the reins. For medicines urinative do not work by rejection and indigestion, as solutive do.

44. There be divers medicines, which in greater quantity move stool, and in smaller, urine: and so contrariwise, some that in greater quantity move urine, and in smaller, stool. Of the former sort is rhubarb, and some others. The cause is, for that rhubarb is a medicine which the stomach in a small quantity doth digest and overcome, being not flatulent nor loathsome, and so sendeth it to the mesentery veins; and so being opening, it helpeth down urine: but in a greater quantity, the stomach cannot overcome it, and so it goeth to the guts. Pepper by some of the ancients is noted to be of the second sort; which being in small quantity, moveth wind in the stomach and guts, and so expelleth by stool; but being in greater quantity, dissipateth the wind; and itself getteth to the mesentery veins, and so to the liver and reins; where, by heating and opening, it sendeth down urine more plentifully.

Experiments in consort touching meats and drinks that are most nourishing.

45. We have spoken of evacuating of the body; we will now speak something of the filling of it by restoratives in consumptions and emaciating diseases. In vegetables, there is one part that is more nourishing than another; as grains and roots nourish more than the leaves; insomuch as the order of the Folietanes was put down by the pope, as finding leaves unable to nourish man's body. Whether there be that difference in the flesh of living creatures, is not well inquired: as whether livers, and other entrails, be not more nourishing than the outward flesh. We find that amongst the romans, a goose's liver was a great delicacy; insomuch as they had artificial means to make it fair and great; but whether it were more nourishing appeareth not. It is certain, that marrow is more nourishing than fat. And I conceive that some decoction of bones and sinews, stamped and well strained, would be a very nourishing broth: we find also that Scotch skinck, which is a pottage of strong nourishment, is made with the knees and sinews of beef, but long boiled: jelly also, which they use for a restorative, is chiefly made of knuckles of veal. The pulp that is within the crawfish or crab, which they spice and butter, is more nourishing than the flesh of the crab or crawfish. The yolks of eggs are clearly more nourishing than the whites. So that it should seem, that the parts of living creatures that lie more inwards, nourish more than the outward flesh; except it be the brain: which the spirits prey too much upon, to leave it any great virtue of nourishment. It seemeth for the nourishing of aged men, or men in consumptions, some such thing should be devised, as should be half chylus, before it be put into the stomach.

46. Take two large capons; parboil them upon a soft fire, by the space of an hour or more, till in effect all the blood be gone. Add in the decoction the pill of a sweet lemon, or a good part of the pill of a citron, and a little mace. Cut off the shanks, and throw them away. Then with a good strong chopping-knife mince the two capons, bones and all, as small as ordinary minced meat; put them into a large neat boulter; then take a kilderkin, sweet and well seasoned, of four gallons of beer, of 8*s*. strength, new as it cometh from the tunning; make in the kilderkin a great bung-hole of purpose: then thrust into it the boulter, in which the capons are, drawn out in length; let it steep in it three days and three nights, the bung-hole open, to work, then close the bung-hole, and so let it continue a day and a half; then draw it into bottles, and you may drink it well after three days bottling; and it will last six weeks: approved. It drinketh fresh, flowereth and mantleth exceedingly; it drinketh not newish at all; it is an excellent drink for a consumption, to be drunk either alone, or carded with some other beer. It quencheth thirst, and hath no whit of windiness. Note, that it is not possible, that meat and bread,

either in broths, or taken with drink, as is used, should get forth into the veins and outward parts, so finely and easily, as when it is thus incorporate, and made almost a chylus aforehand.

47. Trial would be made of the like brew with potatoe roots, or burr roots, or the pith of artichokes, which are nourishing meats: it may be tried also with other flesh; as pheasant, partridge, young pork, pig, venison, especially of young deer, &c.

48. A mortress made with the brawn of capons, stamped and strained, and mingled, after it is made, with like quantity, at the least, of almond butter, is an excellent meat to nourish those that are weak; better than blanckmanger, or jelly; and so is the cullice of cocks, boiled thick with the like mixture of almond butter; for the mortress or cullice, of itself, is more savoury and strong, and not so fit for nourishing of weak bodies; but the almonds, that are not of so high a taste as flesh, do excellently qualify it.

49. Indian maiz hath, of certain, an excellent spirit of nourishment; but it must be throughly boiled, and made into a maiz-cream like a barley-cream. I judge the same of rice, made into a cream; for rice is in Turkey, and other countries of the east, most fed upon; but it must be throughly boiled in respect of the hardness of it, and also because otherwise it bindeth the body too much.

50. Pistachoes, so they be good, and not musty, joined with almonds in almond milk, or made into a milk of themselves, like unto almond milk, but more green, are an excellent nourisher: but you shall do well to add a little ginger, scraped, because they are not without some subtile windiness.

51. Milk warm from the cow, is found to be a great nourisher, and a good remedy in consumptions: but then you must put into it, when you milk the cow, two little bags; the one of powder of mint, the other of powder of red roses; for they keep the milk somewhat from turning or curdling in the stomach; and put in sugar also, for the same cause, and partly for the taste's sake; but you must drink a good draught, that it may stay less time in the stomach, lest it curdle: and let the cup into which you milk the cow, be set in a greater cup of hot water, that you may take it warm. And cow milk thus prepared, I judge to be better for a consumption, than ass milk, which, it is true, turneth not so easily, but it is a little harsh; marry it is more proper for sharpness of urine, and exulceration of the bladder, and all manner of lenifyings. Woman's milk likewise is prescribed, when all fail; but I commend it not, as being a little too near the juice of man's body, to be a good nourisher; except it be in infants, to whom it is natural.

52. Oil of sweet almonds, newly drawn, with sugar, and a little spice, spread upon bread toasted, is an excellent nourisher: but then to keep the oil from frying in the stomach, you must drink a good draught of mild beer after it; and to keep it from relaxing the stomach too much, you must put in a little powder of cinnamon.

53. The yolks of eggs are of themselves so well prepared by nature for nourishment, as, so they be poached, or rare boiled, they need no other preparation or mixture; yet they may be taken also raw, when they are new laid, with Malmsey, or sweet wine: you shall do well to put in some few slices of eryngium roots, and a little ambergrice; for by this means, besides the immediate faculty of nourishment, such drink will strengthen the back, so that it will not draw down the urine too fast; for too much urine doth always hinder nourishment.

54. Mincing of meat, as in pies, and buttered minced meat, saveth the grinding of the teeth; and therefore, no doubt, it is more nourishing, especially in age, or to them that have weak teeth; but the butter is not so proper for weak bodies; and therefore it were good to moisten it with a little claret wine, pill of lemon or orange, cut small, sugar, and a very little cinnamon or nutmeg. As for chuets, which are likewise minced meat, instead of butter and fat, it were good to moisten them, partly with cream, or almond, or pistacho milk; or barley, or maiz-cream; adding a little coriander seed and caraway seed, and a very little saffron. The more full handling of alimentation we reserve to the due place.

We have hitherto handled the particulars which yield best, and easiest, and plentifullest nourishment; and now we will speak of the best means of conveying and converting the nourishment.

55. The first means is, to procure that the nourishment may not be robbed and drawn away; wherein that which we have already said is very material; to provide that the reins draw not too strongly and over great part of the blood into urine. To this add that precept of Aristotle, that wine be forborn in all consumptions; for that the spirits of the wine do prey upon the roscid juice of the body, and intercommon with the spirits of the body, and so deceive and rob them of their nourishment. And therefore if the consumption growing from the weakness of the stomach do force you to use wine, let it always be burnt that the quicker spirits may evaporate; or, at the least, quenched with two little wedges of gold, six or seven times repeated. Add also this provision, that there be not too much expense of the nourishment, by exhaling and sweating; and therefore if the patient be apt to sweat, it must be gently restrained. But chiefly Hippocrates's rule is to be followed, who adviseth quite contrary to that which is in use: namely, that the linen or garment next the flesh be, in winter, dry and oft changed; and in summer seldom changed, and smeared over with oil; for certain it is, that any substance that is fat, doth a little fill the pores of the body, and stay sweat in some degree: but the more cleanly way is, to have the linen smeared lightly over with oil of sweet almonds; and not to forbear shifting as oft as is fit.

56. The second means is, to send forth the nourishment into the parts more strongly; for which the working must be by strengthening of the stomach; and in this, because the stomach is chiefly comforted by wine and hot things, which otherwise hurt; it is good to resort to outward applications to the stomach: wherein it hath been tried, that the quilts of roses, spices, mastic, wormwood, mint, &c.

nothing so helpful, as to take a cake of new bread, and to bedew it with a little sack, or Alicant; and to dry it; and after it be dried a little before the fire, to put it within a clean napkin, and to lay it to the stomach; for it is certain, that all flour hath a potent virtue of astriction; in so much as it hardeneth a piece of flesh, or a flower, that is laid in it: and therefore a bag quilted with bran is likewise very good; but it drieth somewhat too much, and therefore it must not lie long.

57. The third means, which may be a branch of the former, is to send forth the nourishment the better by sleep. For we see, that bears, and other creatures that sleep in the winter, wax exceeding fat: and certain it is, as it is commonly believed, that sleep doth nourish much; both for that the spirits do less spend the nourishment in sleep, than when living creatures are awake; and because, that which is to the present purpose, it helpeth to thrust out the nourishment into the parts. Therefore in aged bodies, and weak bodies, and such as abound not with humour, a short sleep after dinner doth help to nourish; for in such bodies there is no fear of an overpowering digestion, which is the inconvenience of post-meridian sleeps. Sleep also in the morning, after taking of somewhat of easy digestion, as milk from the cow, nourishing broth, or the like, doth further nourishment: but this would be done sitting upright, that the milk or broth may pass the more readily to the bottom of the stomach.

58. The fourth means is to provide that the parts themselves may draw to them the nourishment strongly. There is an excellent observation of Aristotle; that a great reason why plants, some of them, are of greater age than living creatures, is that they yearly put forth new leaves and boughs: whereas living creatures put forth, after their period of growth, nothing that is young, but hair and nails, which are excrements, and no parts. And it is most certain, that whatsoever is young, doth take nourishment better than that which is old; and then that which is the mystery of that observation, young boughs, and leaves, calling the sap up to them, the same nourisheth the body in the passage. And this we see notably proved also, in that the soft cutting or polling of hedges, trees, and shrubs, doth conduce much to their lasting. Transfer therefore this observation to the helping of nourishment in living creatures: the noblest and principal use whereof is, for the prolongation of life; restitution of some degree of youth; and inteneration of the parts: for certain it is, that there are in living creatures parts that nourish and repair easily, and parts that nourish and repair hardly: and you must refresh and renew those that are easy to nourish, that the other may be refreshed, and, as it were, rest in nourishment in the passage. Now we see that draught oxen, put into good pasture, recover the flesh of young beef; and men after long emaciating diets wax plump and fat, and almost new: so that you may surely conclude, that the frequent and wise use of those emaciating diets, and of purging, and perhaps of some kind of bleeding, is a principal means of prolongation of life, and restoring some degree of youth: for as we have often said, death cometh upon living creatures like the torment of Mezentius:

> Mortua quin etiam jungebat corpora vivis,
> Componens manibusque manus, atque oribus ora.
> Æn. viii. 485

For the parts in man's body easily reparable, as spirits, blood, and flesh, die in the embracement of the parts hardly reparable, as bones, nerves, and membranes; and likewise some entrails, which they reckon amongst the spermatical parts, are hard to repair: though that division of spermatical and menstrual parts be but a conceit. And this same observation also may be drawn to the present purpose of nourishing emaciated bodies: and therefore gentle frication draweth forth the nourishment, by making the parts a little hungry, and heating them; whereby they call forth nourishment the better. This frication I wish to be done in the morning. It is also best done by the hand, or a piece of scarlet wool, wet a little with oil of almonds, mingled with a small quantity of bay-salt, or saffron: we see that the very currying of horses doth make them fat, and in good liking.

59. The fifth means is, to further the very act of assimilation of nourishment; which is done by some outward emollients, that make the parts more apt to assimilate. For which I have compounded an ointment of excellent odour, which I call Roman ointment; vide the receipt. The use of it would be between sleeps; for in the latter sleep the parts assimilate chiefly.

Experiment solitary touching Filum medicinale.

60. There be many medicines, which by themselves would do no cure, but perhaps hurt; but being applied in a certain order, one after another, do great cures. I have tried, myself, a remedy for the gout which hath seldom failed, but driven it away in twenty-four hours space: it is first to apply a poultis, of which vide the receipt, and then a bath, or fomentation, of which vide the receipt; and then a plaister, vide the receipt. The poultis relaxeth the pores, and maketh the humour apt to exhale. The fomentation calleth forth the humour by vapours; but yet in regard of the way made by the poultis draweth gently; and therefore draweth the humour out, and doth not draw more to it; for it is a gentle fomentation, and hath withal a mixture, though very little, of some stupefactive. The plaister is a moderate astringent plaister, which repelleth new humour from falling. The poultis alone would make the part more soft and weak, and apter to take the defluxion and impression of the humour. The fomentation alone, if it were too weak, without way made by the poultis, would draw forth little; if too strong, it would draw to the part, as well as draw from it. The plaister alone would pen the humour already contained in the part, and so exasperate it, as well as forbid new humour. Therefore they must be all taken in order, as is said. The poultis is to be laid to for two or three hours; the fomentation for a quarter of an hour, or somewhat better, being used hot, and seven or eight

times repeated; the plaister to continue on still, till the part be well confirmed.

Experiment solitary touching cure by custom.

61. There is a secret way of cure, unpractised, by assuetude of that which in itself hurteth. Poisons have been made, by some, familiar, as hath been said. Ordinary keepers of the sick of the plague are seldom infected. Enduring of tortures, by custom, hath been made more easy: the brooking of enormous quantity of meats, and so of wine or strong drink, hath been, by custom, made to be without surfeit or drunkenness. And generally, diseases that are chronical, as coughs, phthisics, some kinds of palsies, lunacies, &c. are most dangerous at the first: therefore a wise physician will consider whether a disease be incurable; or whether the just cure of it be not full of peril; and if he find it to be such, let him resort to palliation; and alleviate the symptom, without busying himself too much with the perfect cure: and many times, if the patient be indeed patient, that course will exceed all expectation. Likewise the patient himself may strive, by little and little, to overcome the symptom in the exacerbation, and so, by time, turn suffering into nature.

Experiment solitary touching cure by excess.

62. Divers diseases, especially chronical, such as quartan agues, are sometimes cured by surfeit and excesses: as excess of meat, excess of drink, extraordinary fasting, extraordinary stirring or lassitude, and the like. The cause is, for that diseases of continuance get an adventitious strength from custom, besides their material cause from the humours; so that the breaking of the custom doth leave them only to their first cause: which if it be any thing weak will fall off. Besides, such excesses do excite and spur nature, which thereupon rises more forcibly against the disease.

Experiment solitary touching cure by motion of consent.

63. There is in the body of a man a great consent in the motion of the several parts. We see, it is children's sport, to prove whether they can rub upon their breast with one hand, and pat upon their forehead with another; and straightways they shall sometimes rub with both hands, or pat with both hands. We see, that when the spirits that come to the nostrils expel a bad scent, the stomach is ready to expel by vomit. We find that in consumptions of the lungs, when nature cannot expel by cough, men fall into fluxes of the belly, and then they die. So in pestilent diseases, if they cannot be expelled by sweat, they fall likewise into looseness; and that is commonly mortal. Therefore physicians should ingeniously contrive, how by motions that are in their power, they may excite inward motions that are not in their power, by consent; as by the stench of feathers, or the like, they cure the rising of the mother.

Experiment solitary touching cure of diseases wh are contrary to predisposition.

64. Hippocrates's aphorism, "in morbis mis is a good profound aphorism. It importeth, i diseases contrary to the complexion, age, sex, sea of the year, diet, &c. are more dangerous than th that are concurrent. A man would think it sho be otherwise; for that, when the accident of d ness, and the natural disposition, do second the the other, the disease should be more forcible: so, no doubt, it is, if you suppose like quantity matter. But that which maketh good the aphor is, because such diseases do show a greater col tion of matter, by that they are able to overco those natural inclinations to the contrary. A therefore in diseases of that kind, let the physic apply himself more to purgation than to alterati because the offence is in the quantity; and qualities are rectified of themselves.

Experiment solitary touching preparations bef purging, and settling of the body afterwards.

65. Physicians do wisely prescribe, that there preparatives used before just purgations; for cert it is, that purgers do many times great hurt, if body be not accommodated both before and after purging. The hurt that they do, for want of p paration before purging, is by the sticking of humours, and their not coming fair away; wh causeth in the body great perturbations and ill a dents during the purging; and also the diminish and dulling of the working of the medicine its that it purgeth not sufficiently: therefore the w of preparation is double; to make the humours f and mature, and to make the passages more op for both those help to make the humours pass read And for the former of these, syrups are most pre able; and for the latter, apozemes, or prepar broths; clysters also help, lest the medicine stop the guts, and work gripingly. But it is true, t bodies abounding with humours, and fat bodies, open weather, are preparatives in themselves; cause they make the humours more fluid. But a physician beware, how he purge after hard fro weather, and in a lean body, without preparati For the hurt that they may do after purging, i caused by the lodging of some humours in ill plac for it is certain, that there be humours, which se where placed in the body, are quiet, and do lit hurt; in other places, especially passages, do m mischief. Therefore it is good, after purging, use apozemes and broths, not so much opening those used before purging; but abstersive and m difying clysters also are good to conclude with, draw away the relics of the humours, that may h descended to the lower region of the body.

Experiment solitary touching stanching of blo

66. Blood is stanched divers ways. First, astringents, and repercussive medicines. Second by drawing of the spirits and blood inwards; wh is done by cold; as iron or a stone laid to the n doth stanch the bleeding at the nose; also it b

been tried, that the testicles being put into sharp vinegar, hath made a sudden recess of the spirits, and stanched blood. Thirdly, by the recess of the blood by sympathy. So it hath been tried, that the part that bleedeth, being thrust into the body of a lamb or sheep, new ript and bleeding, hath stanched blood; the blood, as it seemeth, sucking and drawing up, by similitude of substance, the blood it meeteth with, and so itself going back. Fourthly, by custom and time; so the Prince of Orange, in his first hurt by the Spanish boy, could find no means to stanch the blood, either by medicine or ligament; but was fain to have the orifice of the wound stopped by men's thumbs, succeeding one another, for the space at the least of two days; and the last the blood by custom only retired. There is a fifth way also in use, to let blood in an adverse part, for a revulsion.

Experiment solitary touching change of aliments and medicines.

67. It helpeth, both in medicine and aliment, to change and not to continue the same medicine and aliment still. The cause is, for that nature, by continual use of any thing, groweth to a satiety and dullness, either of appetite or working. And we see that assuetude of things hurtful doth make them lose their force to hurt; as poison, which with use men have brought themselves to brook. And therefore it is no marvel though things helpful by custom lose their force to help: I count intermission almost the same thing with change; for that, that hath been intermitted, is after a sort new.

Experiment solitary touching diets.

68. It is found by experience, that in diets of sassafras, sarza, and the like, especially if they be strict, the patient is more troubled in the beginning than after continuance; which hath made some of the more delicate sort of patients give them over in the midst; supposing that if those diets trouble them so much at first, they shall not be able to endure them to the end. But the cause is, for that all those diets do dry up humours, rheums, and the like: and they cannot dry up until they have first attenuated; and while the humour is attenuated, it is more fluid than it was before, and troubleth the body a great deal more, until it be dried up and consumed. And therefore patients must expect a time, and not keek at them at the first.

Experiments in consort touching the production of cold.

69. The producing of cold is a thing very worthy the inquisition; both for the use and disclosure of causes. For heat and cold are nature's two hands, whereby she chiefly worketh; and heat we have in fullness, in respect of the fire; but for cold we must stay till it cometh, or seek it in deep caves, or high mountains: and when all is done, we cannot attain it in any great degree: for furnaces of fire are far hotter than a summer's sun; but vaults or pits are not much colder than a winter's frost.

The first means of producing cold, is that which nature presenteth us withal; namely, the expiring of cold out of the inward parts of the earth in winter, when the sun hath no power to overcome it; the earth being, as hath been noted by some, "primum frigidum." This hath been asserted, as well by ancient as by modern philosophers: it was the tenet of Parmenides. It was the opinion of the author of the discourse in Plutarch, for I take it that book was not Plutarch's own, "De primo frigido." It was the opinion of Telesius, who hath renewed the philosophy of Parmenides, and is the best of the novelists.

70. The second cause of cold is the contact of cold bodies; for cold is active and transitive into bodies adjacent, as well as heat: which is seen in those things that are touched with snow or cold water. And therefore, whosoever will be an inquirer into nature, let him resort to a conservatory of snow and ice; such as they use for delicacy to cool wine in summer: which is a poor and contemptible use, in respect of other uses, that may be made of such conservatories.

71. The third cause is the primary nature of all tangible bodies: for it is well to be noted, that all things whatsoever, tangible, are of themselves cold; except they have an accessory heat by fire, life, or motion: for even the spirit of wine, or chemical oils, which are so hot in operation, are to the first touch cold; and air itself compressed, and condensed a little by blowing, is cold.

72. The fourth cause is the density of the body; for all dense bodies are colder than most other bodies, as metals, stone, glass; and they are longer in heating than softer bodies. And it is certain, that earth, dense, tangible, hold all of the nature of cold. The cause is, for that all matters tangible being cold, it must needs follow, that where the matter is most congregate, the cold is the greater.

73. The fifth cause of cold, or rather of increase and vehemency of cold, is a quick spirit enclosed in a cold body: as will appear to any that shall attentively consider of nature in many instances. We see nitre, which hath a quick spirit, is cold; more cold to the tongue than a stone; so water is colder than oil, because it hath a quicker spirit; for all oil, though it hath the tangible parts better digested than water, yet hath it a duller spirit: so snow is colder than water, because it hath more spirit within it; so we see that salt put to ice, as in the producing of the artificial ice, increaseth the activity of cold: so some insecta which have spirit of life, as snakes and silk-worms, are to the touch cold: so quicksilver is the coldest of metals, because it is fullest of spirit.

74. The sixth cause of cold is the chasing and driving away of spirits, such as have some degree of heat: for the banishing of the heat must needs leave any body cold. This we see in the operation of opium and stupefactives upon the spirits of living creatures: and it were nor amiss to try opium, by laying it upon the top of a weather-glass, to see whether it will contract the air: but I doubt it will not succeed; for besides that the virtue of opium will hardly penetrate through such a body as glass,

I conceive that opium, and the like, make the spirits fly rather by malignity, than by cold.

75. Seventhly, the same effect must follow upon the exhaling or drawing out of the warm spirits, that doth upon the flight of the spirits. There is an opinion that the moon is magnetical of heat, as the sun is of cold and moisture: it were not amiss therefore to try it, with warm waters; the one exposed to the beams of the moon, the other with some skreen betwixt the beams of the moon and the water, as we use to the sun for shade; and to see whether the former will cool sooner. And it were also good to inquire, what other means there may be to draw forth the exile heat which is in the air; for that may be a secret of great power to produce cold weather.

Experiments in consort touching the version and transmutation of air into water.

We have formerly set down the means of turning air into water, in the experiment 27. But because it is magnale naturæ, and tendeth to the subduing of a very great effect, and is also of manifold use, we will add some instances in consort that give light thereunto.

76. It is reported by some of the ancients, that sailors have used, every night, to hang fleeces of wool on the sides of their ships, the wool towards the water; and that they have crushed fresh water out of them, in the morning, for their use. And thus much we have tried, that a quantity of wool tied loose together, being let down into a deep well, and hanging in the middle, some three fathom from the water, for a night, in the winter time, increased in weight, as I now remember, to a fifth part.

77. It is reported by one of the ancients, that in Lydia, near Pergamus, there were certain workmen in time of wars fled into caves; and the mouth of the caves being stopped by the enemies, they were famished. But long time after the dead bones were found; and some vessels which they had carried with them; and the vessels full of water; and that water thicker, and more towards ice, than common water: which is a notable instance of condensation and induration by burial under the earth, in caves, for a long time; and of version also, as it should seem, of air into water; if any of those vessels were empty. Try therefore a small bladder hung in snow, and the like in nitre, and the like in quicksilver; and if you find the bladders fallen or shrunk, you may be sure the air is condensed by the cold of those bodies, as it would be in a cave under earth.

78. It is reported of very good credit, that in the East Indies, if you set a tub of water open in a room where cloves are kept, it will be drawn dry in twenty-four hours; though it stand at some distance from the cloves. In the country, they use many times, in deceit, when their wool is new shorn, to set some pails of water by in the same room, to increase the weight of the wool. But it may be, that the heat of the wool, remaining from the body of the sheep, or the heat gathered by the lying close of the wool, helpeth to draw the watery vapour: but that is nothing to the version.

79. It is reported also credibly, that wool w shorn, being laid casually upon a vessel of verjui after some time had drunk up a great part of verjuice, though the vessel was whole without flaw, and had not the bung-hole open. In this stance, there is, upon the by, to be noted, the per lation or suing of the verjuice through the wo for verjuice of itself would never have passed thro the wood: so as, it seemeth, it must be first i kind of vapour, before it pass.

80. It is especially to be noted, that the cause t doth facilitate the version of air into water, wh the air is not in gross, but subtilly mingled w tangible bodies, is, as hath been partly touched fore, for that tangible bodies have an antipathy w air; and if they find any liquid body that is m dense near them, they will draw it: and after th have drawn it, they will condense it more, and effect incorporate it; for we see that a sponge, wool, or sugar, or a woollen cloth, being put but part in water or wine, will draw the liquor high and beyond the place where the water or w cometh. We see also that wood, lute strings, the like, do swell in moist seasons; as appeareth the breaking of the strings, the hard turning of pegs, and the hard drawing forth of boxes, opening of wainscot doors: which is a kind of fusion: and is much like to an infusion of wat which will make wood to swell; as we see in filling of the chops of bowls, by laying them water. But for that part of these experiments whi concerneth attraction, we will reserve it to the p per title of attraction.

81. There is also a version of air into water se in the sweating of marbles and other stones; a of wainscot before and in moist weather. Th must be, either by some moisture the body yields or else by the moist air thickened against the bo body. But it is plain, that it is the latter; for th we see wood painted with oil colour, will soon gather drops in a moist night, than wood alon which is caused by the smoothness and closeness which letteth in no part of the vapour, and so tur eth it back, and thickeneth it into dew. We s also, that breathing upon a glass, or smooth bod giveth a dew; and in frosty mornings, such as call rime frosts, you shall find drops of dew up the inside of glass windows; and the frost ite upon the ground is but a version or condensation the moist vapours of the night, into a watery su stance: dews likewise, and rain, are but the return of moist vapours condensed; the dew, by the co only of the sun's departure, which is the gent cold; rains, by the cold of that which they call th middle region of the air; which is the more viole cold.

82. It is very probable, as hath been touche that that which will turn water into ice, will lik wise turn air some degree nearer unto water. Tho fore try the experiment of the artificial turni water into ice, whereof we shall speak in anoth place, with air in place of water, and the ice abo it. And although it be a greater alteration to tu air into water, than water into ice; yet there is th

hope, that by continuing the air longer time, the effect will follow: for that artificial conversion of water into ice, is the work of a few hours; and this of air may be tried by a month's space or the like.

Experiments in consort touching induration of bodies.

Induration, or lapidification of substances more soft, is likewise another degree of condensation; and is a great alteration in nature. The effecting and accelerating thereof is very worthy to be inquired. It is effected by three means. The first is by cold; whose property is to condense and constipate, as hath been said. The second is by heat; which is not proper but by consequence; for the heat doth attenuate; and by attenuation doth send forth the spirit and moister part of a body; and upon that, the more gross of the tangible parts do contract and serre themselves together; both to avoid vacuum, as they fill it, and also to munite themselves against the force of the fire, which they have suffered. And the third is by assimilation; when a hard body assimilateth a soft, being contiguous to it.

The examples of induration, taking them promiscuously, are many: as the generation of stones within the earth, which at the first are but rude earth or clay: and so of minerals, which come, no doubt, at first of juices concrete, which afterwards indurate: and so of porcellane, which is an artificial cement, buried in the earth a long time; and so the making of brick and tile: also the making of glass of a certain sand and brake-roots, and some other matters; also the exudations of rock-diamonds and crystal, which harden with time; also the induration of amber, which is a soft substance: as appeareth by the flies and spiders which are found in it; and many more: but we will speak of them distinctly.

83. For indurations by cold, there be few trials of it; for we have no strong or intense cold here on the surface of the earth, so near the beams of the sun, and the heavens. The likeliest trial is by snow and ice; for as snow and ice, especially being helped and their cold activated by nitre, or salt, will turn water into ice, and that in a few hours; so it may be, it will turn wood or stiff clay into stone, in longer time. Put therefore into a conserving pit of snow and ice, adding some quantity of salt and nitre, a piece of wood, or a piece of tough clay, and let it lie a month or more.

84. Another trial is by metalline waters, which have virtual cold in them. Put therefore wood or clay into smith's water, or other metalline water, and try whether it will not harden in some reasonable time. But I understand it of metalline waters that come by washing or quenching; and not of strong waters that come by dissolution; for they be too corrosive to consolidate.

85. It is already found that there are some natural spring waters, that will inlapidate wood; so that we shall see one piece of wood, whereof the part above the water shall continue wood; and the part under the water shall be turned into a kind of gravelly stone. It is likely those waters are of some metalline mixture; but there would be more particular inquiry made of them. It is certain, that an egg was found, having lain many years in the bottom of a moat, where the earth had somewhat overgrown it; and this egg was come to the hardness of a stone, and had the colours of the white and yolk perfect, and the shell shining in small grains like sugar or alabaster.

86. Another experience there is of induration by cold, which is already found; which is, that metals themselves are hardened by often heating and quenching in cold water: for cold ever worketh most potently upon heat precedent.

87. For induration by heat, it must be considered that heat, by the exhaling of the moister parts, doth either harden the body, as in bricks, tiles, &c. or if the heat be more fierce, maketh the grosser part itself run and melt; as in the making of ordinary glass; and in the vitrification of earth, as we see in the inner parts of furnaces, and in the vitrification of brick, and of metals. And in the former of these, which is the hardening by baking without melting, the heat hath these degrees; first, it indurateth, and then maketh fragile; and lastly it doth incinerate and calcinate.

88. But if you desire to make an induration with toughness, and less fragility, a middle way would be taken; which is that which Aristotle hath well noted; but would be thoroughly verified. It is to decoct bodies in water for two or three days; but they must be such bodies into which the water will not enter; as stone and metal: for if they be bodies into which the water will enter, then long seething will rather soften than indurate them; as hath been tried in eggs, &c. therefore softer bodies must be put into bottles, and the bottles hung into water seething, with the mouths open above the water, that no water may get in; for by this means the virtual heat of the water will enter; and such a heat, as will not make the body adust or fragile; but the substance of the water will be shut out. This experiment we made and it sorted thus. It was tried with a piece of free-stone, and with pewter, put into the water at large. The free-stone we found received in some water; for it was softer and easier to scrape than a piece of the same stone kept dry. But the pewter, into which no water could enter, became more white, and liker to silver, and less flexible by much. There were also put into an earthen bottle, placed as before, a good pellet of clay, a piece of cheese, a piece of chalk, and a piece of free-stone. The clay came forth almost of the hardness of stone; the cheese likewise very hard, and not well to be cut; the chalk and the free-stone much harder than they were. The colour of the clay inclined not a whit to the colour of brick, but rather to white, as in ordinary drying by the sun. Note, that all the former trials were made by a boiling upon a good hot fire, renewing the water as it consumed, with other hot water; but the boiling was but for twelve hours only; and it is like that the experiment would have been more effectual, if the boiling had been for two or three days, as we prescribed before.

89. As touching assimilation, for there is a de-

gree of assimilation even in inanimate bodies, we see examples of it in some stones in clay-grounds, lying near to the top of the earth, where pebble is; in which you may manifestly see divers pebbles gathered together, and a crust of cement or stone between them, as hard as the pebbles themselves; and it were good to make a trial of purpose, by taking clay, and putting in it divers pebble stones, thick set, to see whether, in continuance of time, it will not be harder than other clay of the same lump, in which no pebbles are set. We see also in ruins of old walls, especially towards the bottom, the mortar will become as hard as the brick; we see also that the wood on the sides of vessels of wine, gathereth a crust of tartar harder than the wood itself; and scales likewise grow to the teeth, harder than the teeth themselves.

90. Most of all, induration by assimilation appeareth in the bodies of trees and living creatures: for no nourishment that the tree receiveth, or that the living creature receiveth, is so hard as wood, bone, or horn, &c. but is indurated after by assimilation.

Experiment solitary touching the version of water into air.

91. The eye of the understanding is like the eye of the sense: for as you may see great objects through small crannies, or levels; so you may see great axioms of nature through small and contemptible instances. The speedy depredation of air upon watery moisture, and version of the same into air, appeareth in nothing more visible, than in the sudden discharge or vanishing of a little cloud of breath or vapour from glass, or the blade of a sword, or any such polished body, such as doth not at all detain or imbibe the moisture; for the mistiness scattereth and breaketh up suddenly. But the like cloud, if it were oily or fatty, will not discharge; not because it sticketh faster; but because air preyeth upon water; and flame and fire upon oil; and therefore to take out a spot of grease they use a coal upon brown paper; because fire worketh upon grease or oil, as air doth upon water. And we see paper oiled, or wood oiled, or the like, last long moist; but wet with water, dry or putrify sooner. The cause is, for that air meddleth little with the moisture of oil.

Experiment solitary touching the force of union.

92. There is an admirable demonstration in the same trifling instance of the little cloud upon glass, or gems, or blades of swords, of the force of union, even in the least quantities, and weakest bodies, how much it conduceth to preservation of the present form, and the resisting of a new. For mark well the discharge of that cloud; and you shall see it ever break up, first in the skirts, and last in the midst. We see likewise, that much water draweth forth the juice of the body infused; but little water is imbibed by the body: and this is a principal cause, why in operation upon bodies for their version or alteration, the trial in great quantities doth not answer the trial in small; and so deceiveth many: for that, I say, the greater body resisteth more any alteration of form, and requireth far greater strength in the active body that should subdue it.

Experiment solitary touching the producing of feathers and hairs of divers colours.

93. We have spoken before, in the fifth instance, of the cause of orient colours in birds; which is by the fineness of the strainer; we will now endeavour to reduce the same axiom to a work. For this writing of our "Sylva Sylvarum" is, to speak properly, not natural history, but a high kind of natural magic. For it is not a description only of nature, but a breaking of nature into great and strange works. Try therefore the anointing over of pigeons, or other birds, when they are but in their down; or of whelps, cutting their hair as short as may be; or of some other beast; with some ointment that is not hurtful to the flesh, and that will harden and stick very close; and see whether it will not alter the colours of the feathers or hair. It is received, that the pulling off the first feathers of birds clean, will make the new come forth white: and it is certain that white is a penurious colour and where moisture is scant. So blue violets, and other flowers, if they be starved, turn pale and white; birds and horses, by age or scars, turn white; and the hoar hairs of men come by the same reason. And therefore in birds, it is very likely that the feathers that come first will be many times of divers colours, according to the nature of the bird, for that the skin is more porous; but when the skin is more shut and close, the feathers will come white. This is a good experiment, not only for the producing of birds and beasts of strange colours but also for the disclosure of the nature of colours themselves; which of them require a finer porosity and which a grosser.

Experiment solitary touching the nourishment of living creatures before they be brought forth.

94. It is a work of Providence, that hath been truly observed by some, that the yolk of the egg conduceth little to the generation of the bird, but only to the nourishment of the same; for if a chicken be opened, when it is new hatched, you shall find much of the yolk remaining. And it is needful, that birds that are shaped without the female's womb have in the egg, as well matter of nourishment, as matter of generation for the body. For after the egg is laid, and severed from the body of the hen, it hath no more nourishment from the hen, but only a quickening heat when she sitteth. But beasts and men need not the matter of nourishment within themselves, because they are shaped within the womb of the female, and are nourished continually from her body.

Experiments in consort touching sympathy and antipathy for medicinal use.

95. It is an inveterate and received opinion, that cantharides applied to any part of the body, turn to the bladder, and exulcerate it, if they stay on long. It is likewise received that a kind of stone, which

they bring out of the West Indies, hath a peculiar force to move gravel, and to dissolve the stone: insomuch, as laid but to the wrist, it hath so forcibly sent down gravel, as men have been glad to remove it, it was so violent.

96. It is received, and confirmed by daily experience, that the soles of the feet have great affinity with the head and the mouth of the stomach; as we see going wet-shod, to those that use it not, affecteth both: applications of hot powders to the feet attenuate first, and after dry the rheum: and therefore a physician that would be mystical, prescribeth, for the cure of the rheum, that a man should walk continually upon a camomile-alley; meaning, that he should put camomile within his socks. Likewise pigeons bleeding, applied to the soles of the feet, ease the head: and soporiferous medicines applied unto them, provoke sleep.

97. It seemeth, that as the feet have a sympathy with the head, so the wrists and hands have a sympathy with the heart; we see the affects and passions of the heart and spirits are notably disclosed by the pulse: and it is often tried, that juices of stock-gilly-flowers, rose-campian, garlick, and other things, applied to the wrists, and renewed, have cured long agues. And I conceive, that washing with certain liquors the palms of the hands doth much good: and they do well in heats of agues, to hold in the hands eggs of alabaster and balls of crystal.

Of these things we shall speak more, when we handle the title of sympathy and antipathy in the proper place.

Experiment solitary touching the secret processes of nature.

98. The knowledge of man hitherto hath been determined by the view or sight; so that whatsoever is invisible, either in respect of the fineness of the body itself, or the smallness of the parts, or of the subtilty of the motion, is little inquired. And yet these be the things that govern nature principally; and without which you cannot make any true analysis and indications of the proceedings of nature. The spirits or pneumaticals, that are in all tangible bodies, are scarce known. Sometimes they take them for vacuum; whereas they are the most active of bodies. Sometimes they take them for air; from which they differ exceedingly, as much as wine from water; and as wood from earth. Sometimes they will have them to be natural heat, or a portion of the element of fire; whereas some of them are crude and cold. And sometimes they will have them to be the virtues and qualities of the tangible parts which they see; whereas they are things by themselves. And then, when they come to plants and living creatures, they call them souls. And such superficial speculations they have; like perspectives, that show things inward, when they are but paintings. Neither is this a question of words, but infinitely material in nature. For spirits are nothing else but a natural body, rarified to a proportion, and included in the tangible parts of bodies, as in an integument. And they be no less differing one from the other, than the dense or tangible parts: and they are in all tangible bodies whatsoever, more or less; and they are never almost at rest; and from them, and their motions, principally proceed arefaction, colliquation, concoction, maturation, putrefaction, vivification, and most of the effects of nature: for, as we have figured them in our "Sapientia Veterum," in the fable of Proserpina, you shall in the infernal regiment hear little doings of Pluto, but most of Proserpina: for tangible parts in bodies are stupid things; and the spirits do in effect all. As for the differences of tangible parts in bodies, the industry of the chemists hath given some light, in discerning by their separations the oily, crude, pure, impure, fine, gross parts of bodies, and the like. And the physicians are content to acknowledge, that herbs and drugs have divers parts; as that opium hath a stupefactive part, and a heating part; the one moving sleep, the other a sweat following; and that rhubarb hath purging parts, and astringent parts, &c. But this whole inquisition is weakly and negligently handled. And for the more subtle differences of the minute parts, and the posture of them in the body, which also hath great effects, they are not at all touched; as for the motions of the minute parts of bodies, which do so great effects, they have not been observed at all; because they are invisible, and incur not to the eye; but yet they are to be deprehended by experience: as Democritus said well, when they charged him to hold, that the world was made of such little motes, as were seen in the sun: "Atomus," saith he, "necessitate rationis et experientiæ esse convincitur; atomum enim nemo unquam vidit." And therefore the tumult in the parts of solid bodies, when they are compressed, which is the cause of all flight of bodies through the air, and of other mechanical motions, as hath been partly touched before, and shall be throughly handled in due place, is not seen at all. But nevertheless, if you know it not, or inquire it not attentively and diligently, you shall never be able to discern, and much less to produce, a number of mechanical motions. Again, as to the motions corporal, within the enclosures of bodies, whereby the effects, which were mentioned before, pass between the spirits and the tangible parts, which are arefaction, colliquation, concoction, maturation, &c. they are not at all handled. But they are put off by the names of virtues, and natures, and actions, and passions, and such other logical words.

Experiment solitary touching the power of heat.

99. It is certain, that of all powers in nature heat is the chief; both in the frame of nature, and in the works of art. Certain it is likewise, that the effects of heat are most advanced, when it worketh upon a body without loss or dissipation of the matter; for that ever betrayeth the account. And therefore it is true, that the power of heat is best perceived in distillations, which are performed in close vessels and receptacles. But yet there is a higher degree; for howsoever distillations do keep the body in cells and cloisters, without going abroad, yet they give space unto bodies to turn into vapour; to return

into liquor; and to separate one part from another. So as nature doth expatiate, although it hath not full liberty; whereby the true and ultimate operations of heat are not attained. But if bodies may be altered by heat, and yet no such reciprocation of rarefaction, and of condensation, and of separation, admitted; then it is like that this Proteus of matter, being held by the sleeves, will turn and change into many metamorphoses. Take therefore a square vessel of iron, in form of a cube, and let it have good thick and strong sides. Put into it a cube of wood, that may fill it as close as may be; and let it have a cover of iron, as strong at least as the sides; and let it be well luted, after the manner of the chemists. Then place the vessel within burning coals, kept quick kindled for some few hours' space. Then take the vessel from the fire, and take off the cover, and see what is become of the wood. I conceive, that since all inflammation and evaporation are utterly prohibited, and the body still turned upon itself, that one of these two effects will follow: either that the body of the wood will be turned into a kind of amalgama, as the chemists call it; or that the finer part will be turned into air, and the grosser stick as it were baked, and incrustate upon the sides of the vessel, being become of a denser matter than the wood itself crude. And for another trial, take also water, and put it in the like vessel, stopped as before; but use a gentler heat, and remove the vessel sometimes from the fire; and again, after some small time, when it is cold, renew the heating of it; and repeat this alteration some few times: and if you can once bring to pass, that the water, which is one of the simplest of bodies, be changed in colour, odour, or taste, after the manner of compound bodies, you may be sure that there is a great work wrought in nature, and a notable entrance made into strange changes of bodies and productions; and also a way made to do that by fire, in small time, which the sun and age do in long time. But of the admirable effects of this distillation in close, for so we will call it, which is like the wombs and matrices of living creatures, where nothing expireth nor separateth, we will speak fully, in the due place; not that we aim at the making of Paracelsus's pygmies, or any such prodigious follies; but that we know the effects of heat will be such, as will scarce fall under the conceit of man, if the force of it be altogether kept in.

Experiment solitary touching the impossibility of annihilation.

100. There is nothing more certain in nature than that it is impossible for any body to be utterly annihilated; but that as it was the work of the omnipotency of God to make somewhat of nothing, so it requireth the like omnipotency to turn somewhat into nothing. And therefore it is well said by an obscure writer of the sect of the chemists, that there is no such way to effect the strange transmutations of bodies, as to endeavour and urge by all means the reducing of them to nothing. And herein is contained also a great secret of preservation of bodies from change; for if you can prohibit, that they neither turn into air, because no air cometh to them; nor go into the bodies adjacent, because they are utterly heterogeneal; nor make a round and circulation within themselves; they will never change, though they be in their nature never so perishable or mutable. We see how flies, and spiders, and the like, get a sepulchre in amber, more durable than the monument and embalming of the body of any king. And I conceive the like will be of bodies put into quicksilver. But then they must be but thin, as a leaf, or a piece of paper or parchment; for if they have a great crassitude, they will alter in their own body, though they spend not. But of this we shall speak more when we handle the title of conservation of bodies.

CENTURY II.

Experiments in consort touching Music.

MUSIC, in the practice, hath been well pursued, and in good variety; but in the theory, and especially in the yielding of the causes of the practice, very weakly; being reduced into certain mystical subtilties of no use and not much truth. We shall, therefore, after our manner, join the contemplative and active part together.

101. All sounds are either musical sounds, which we call tones; whereunto they may be an harmony; which sounds are ever equal; as singing, the sounds of stringed and wind instruments, the ringing of bells, &c.; or immusical sounds, which are ever unequal; such as are the voice in speaking, all whisperings, all voices of beasts and birds, except they be singing-birds, all percussions of stones, wood, parchment, skins, as in drums, and infinite others.

102. The sounds that produce tones, are ever from such bodies as are in their parts and pores equal; as well as the sounds themselves are equal; and such are the percussions of metal, as in bells; of glass, as in the fillipping of a drinking glass; of air, as in men's voices whilst they sing, in pipes, whistles, organs, stringed instruments, &c.; and of water, as in the nightingale pipes of regals, or organs, and other hydraulics; which the ancients had, and Nero did so much esteem, but are now lost. And if any man think, that the string of the bow and the string of the viol are neither of them equal bodies, and yet produce tones, he is in an error. For the sound is not created between the bow or plectrum and the string; but between the string and the air; no more than it is between the finger or quill and the string in other instruments. So there are, in effect, but three percussions that create tones;

percussions of metals, comprehending glass and the like, percussions of air, and percussions of water.

103. The diapason or eight in music is the sweetest concord, insomuch as it is in effect an unison: as we see in lutes that are strung in the base strings with two strings, one an eight above another; which make but as one sound. And every eighth note in ascent, as from eight to fifteen, from fifteen to twenty-two, and so in infinitum, are but scales of diapason. The cause is dark, and hath not been rendered by any; and therefore would be better contemplated. It seemeth that air, which is the subject of sounds, in sounds that are not tones, which are all unequal, as hath been said, admitteth much variety; as we see in the voices of living creatures; and likewise in the voices of several men, for we are capable to discern several men by their voices; and in the conjugation of letters, whence articulate sounds proceed; which of all others are most various. But in the sounds which we call tones, that are ever equal, the air is not able to cast itself into any such variety; but is forced to recur into one and the same posture or figure, only differing in greatness and smallness. So we see figures may be made of lines, crooked and straight, in infinite variety, where there is inequality; but circles, or squares, or triangles equilateral, which are all figures of equal lines, can differ but in greater or lesser.

104. It is to be noted, the rather lest any man should think, that there is any thing in this number of eight, to create the diapason, that this computation of eight is a thing rather received, than any true computation. For a true computation ought ever to be by distribution into equal portions. Now there be intervenient in the rise of eight, in tones, two bemolls, or half-notes: so as if you divide the tones equally, the eight is but seven whole and equal notes; and if you subdivide that into half-notes, as it is in the stops of a lute, it maketh the number of thirteen.

105. Yet this is true, that in the ordinary rises and falls of the voice of man, not measuring the tone by whole notes, and half-notes, which is the equal measure, there fall out to be two bemolls, as hath been said, between the unison and the diapason: and this varying is natural. For if a man would endeavour to raise or fall his voice, still by half-notes, like the stops of a lute; or by whole notes alone without halfs, as far as an eight; he will not be able to frame his voice unto it. Which showeth, that after every three whole notes, nature requireth, for all harmonical use, one half-note to be interposed.

106. It is to be considered, that whatsoever virtue is in numbers, for conducing to concent of notes, is rather to be ascribed to the ante-number, than to the entire number; as namely, that the sound returneth after six or after twelve; so that the seventh or the thirteenth is not the matter, but the sixth or the twelfth; and the seventh and the thirteenth are but the limits and boundaries of the return.

107. The concords in music which are perfect or semi-perfect, between the unison and the diapason, are the fifth, which is the most perfect; the third next; and the sixth, which is more harsh: and, as the ancients esteemed, and so do myself and some other yet, the fourth which they call diatessaron. As for the tenth, twelfth, thirteenth, and so in infinitum, they be but recurrences of the former, viz. of the third, the fifth, and the sixth; being an eight respectively from them.

108. For discords, the second and the seventh are of all others the most odious, in harmony, to the sense; whereof the one is next above the unison, the other next under the diapason: which may show, that harmony requireth a competent distance of notes.

109. In harmony, if there be not a discord to the base, it doth not disturb the harmony, though there be a discord to the higher parts; so the discord be not of the two that are odious; and therefore the ordinary concent of four parts consisteth of an eight, a fifth, and a third to the base; but that fifth is a fourth to the treble, and the third is a sixth. And the cause is, for that the base striking more air, doth overcome and drown the treble, unless the discord be very odious; and so hideth a small imperfection. For we see, that in one of the lower strings of a lute, there soundeth not the sound of the treble, nor any mixt sound, but only the sound of the base.

110. We have no music of quarter-notes; and it may be they are not capable of harmony: for we see the half-notes themselves do but interpose sometimes. Nevertheless we have some slides or relishes of the voice or strings, as it were continued without notes, from one tone to another, rising or falling, which are delightful.

111. The causes of that which is pleasing or ingrate to the hearing, may receive light by that which is pleasing or ingrate to the sight. There be two things pleasing to the sight, leaving pictures and shapes aside, which are but secondary objects; and please or displease but in memory; these two are colours and order. The pleasing of colour symbolizeth with the pleasing of any single tone to the ear; but the pleasing of order doth symbolize with harmony. And therefore we see in garden-knots, and the frets of houses, and all equal and well answering figures, as globes, pyramids, cones, cylinders, &c. how they please; whereas unequal figures are but deformities. And both these pleasures, that of the eye, and that of the ear, are but the effects of equality, good proportion, or correspondence: so that, out of question, equality and correspondence are the causes of harmony. But to find the proportion of that correspondence, is more abstruse; whereof notwithstanding we shall speak somewhat, when we handle tones, in the general inquiry of sounds.

112. Tones are not so apt altogether to procure sleep as some other sounds; as the wind, the purling of water, humming of bees, a sweet voice of one that readeth, &c. The cause whereof is, for that tones, because they are equal and slide not, do more strike and erect the sense than the other. And overmuch attention hindereth sleep.

113. There be in music certain figures or tropes, almost agreeing with the figures of rhetoric, and with the affections of the mind, and other senses. First, the division and quavering, which please so

much in music, have an agreement with the glittering of light; as the moon-beams playing upon a wave. Again, the falling from a discord to a concord, which maketh great sweetness in music, hath an agreement with the affections, which are reintegrated to the better, after some dislikes; it agreeth also with the taste, which is soon glutted with that which is sweet alone. The sliding from the close or cadence, hath an agreement with the figure in rhetoric, which they call præter expectatum; for there is a pleasure even in being deceived. The reports, and fuges, have an agreement with the figures in rhetoric, of repetition and traduction. The triplas, and changing of times, have an agreement with the changes of motions; as when galliard time, and measure time, are in the medley of one dance.

114. It hath been anciently held and observed, that the sense of hearing, and the kinds of music, have most operation upon manners; as, to encourage men, and make them warlike; to make them soft and effeminate; to make them grave; to make them light; to make them gentle and inclined to pity, &c. The cause is, for that the sense of hearing striketh the spirits more immediately than the other senses; and more incorporeally than the smelling; for the sight, taste, and feeling, have their organs not of so present and immediate access to the spirits, as the hearing hath. And as for the smelling, which indeed worketh also immediately upon the spirit, and is forcible while the object remaineth, it is with a communication of the breath or vapour of the object odorate; but harmony entering easily, and mingling not at all, and coming with a manifest motion, doth by custom of often affecting the spirits, and putting them into one kind of posture, alter not a little the nature of the spirits, even when the object is removed. And therefore we see, that tunes and airs, even in their own nature, have in themselves some affinity with the affections; as there be merry tunes, doleful tunes, solemn tunes; tunes inclining men's minds to pity; warlike tunes, &c. So as it is no marvel if they alter the spirits, considering that tunes have a predisposition to the motion of the spirits in themselves. But yet it hath been noted, that though this variety of tunes doth dispose the spirits to variety of passions, conform unto them, yet generally music feedeth that disposition of the spirits, which it findeth. We see also, that several airs and tunes do please several nations and persons, according to the sympathy they have with their spirits.

Experiments in consort touching sounds; and first touching the nullity and entity of sounds.

Perspective hath been with some diligence inquired; and so hath the nature of sounds, in some sort, as far as concerneth music: but the nature of sounds in general hath been superficially observed. It is one of the subtilest pieces of nature. And besides, I practise, as I do advise; which is, after long inquiry of things immersed in matter, to interpose some subject which is immateriate, or less materiate; such as this of sounds; to the end, that the intellect may be rectified, and become not partial.

115. It is first to be considered, what great motions there are in nature, which pass without sound or noise. The heavens turn about in a most rapid motion, without noise to us perceived; though in some dreams they have been said to make an excellent music. So the motions of the comets, and fiery meteors, as stella cadens, &c. yield no noise. And if it be thought, that it is the greatness of distance from us, whereby the sound cannot be heard; we see that lightnings and coruscations, which are near at hand, yield no sound neither: and yet in all these, there is a percussion and division of the air. The winds in the upper region, which move the clouds above, which we call the rack, and are not perceived below, pass without noise. The lower winds in a plain, except they be strong, make no noise; but amongst trees, the noise of such winds will be perceived. And the winds, generally, when they make a noise, do ever make it unequally, rising and falling, and sometimes, when they are vehement, trembling at the height of their blast. Rain or hail falling, though vehemently, yieldeth no noise in passing through the air, till it fall upon the ground, water, houses, or the like. Water in a river, though a swift stream, is not heard in the channel, but runneth in silence, if it be of any depth; but the very stream upon shallows of gravel, or pebble, will be heard. And waters, when they beat upon the shore, or are straitened, as in the falls of bridges, or are dashed against themselves, by winds, give a roaring noise. Any piece of timber, or hard body, being thrust forwards by another body contiguous, without knocking, giveth no noise. And so bodies in weighing one upon another, though the upper body press the lower body down, make no noise. So the motion in the minute parts of any solid body, which is the principal cause of violent motion, though unobserved, passeth without sound; for that sound that is heard sometimes, is produced only by the breaking of the air; and not by the impulsion of the parts. So it is manifest, that where the anterior body giveth way, as fast as the posterior cometh on, it maketh no noise, be the motion never so great or swift.

116. Air open, and at large, maketh no noise, except it be sharply percussed; as in the sound of a string, where air is percussed by a hard and stiff body, and with a sharp loose: for if the string be not strained, it maketh no noise. But where the air is pent and straitened, there breath or other blowing, which carry but a gentle percussion, suffice to create sound; as in pipes and wind-instruments. But then you must note, that in recorders, which go with a gentle breath, the concave of the pipe, were it not for the fipple that straiteneth the air, much more than the simple concave, would yield no sound. For as for other wind-instruments, they require a forcible breath; as trumpets, cornets, hunters' horns, &c. which appeareth by the blown cheeks of him that windeth them. Organs also are blown with a strong wind by the bellows. And note again, that some kind of wind-instruments are blown at a small hole in the side, which straiteneth the breath at the first entrance; the rather, in respect of their traverse and stop above the hole, which performeth

the fipple's part; as it is seen in flutes and fifes, which will not give sound by a blast at the end, as recorders, &c. do. Likewise in all whistling, you contract the mouth; and to make it more sharp, men sometimes use their finger. But in open air, if you throw a stone or a dart, they give no sound; no more do bullets, except they happen to be a little hollowed in the casting; which hollowness penneth the air: nor yet arrows, except they be ruffled in their feathers, which likewise penneth the air. As for small whistles or shepherds' oaten pipes, they give a sound because of their extreme slenderness, whereby the air is more pent than in a wider pipe. Again, the voices of men and living creatures pass through the throat, which penneth the breath. As for the Jews-harp, it is a sharp percussion; and, besides, hath the advantage of penning the air in the mouth.

117. Solid bodies, if they be very softly percussed, give no sound; as when a man treadeth very softly upon boards. So chests or doors in fair weather, when they open easily, give no sound. And cart-wheels squeak not when they are liquored.

118. The flame of tapers or candles, though it be a swift motion and breaketh the air, yet passeth without sound. Air in ovens, though, no doubt, it doth, as it were, boil and dilate itself, and is repercussed; yet it is without noise.

119. Flame percussed by air giveth a noise: as in blowing of the fire by bellows; greater than if the bellows should blow upon the air itself. And so likewise flame percussing the air strongly, as when flame suddenly taketh and openeth, giveth a noise; so great flames, while the one impelleth the other, give a bellowing sound.

120. There is a conceit runneth abroad, that there should be a white powder, which will discharge a piece without noise; which is a dangerous experiment if it should be true: for it may cause secret murders. But it seemeth to me impossible; for, if the air pent be driven forth and strike the air open, it will certainly make a noise. As for the white powder, if any such thing be, that may extinguish or dead the noise, it is like to be a mixture of petre and sulphur, without coal. For petre alone will not take fire. And if any man think, that the sound may be extinguished or deaded by discharging the pent air, before it cometh to the mouth of the piece and to the open air, that is not probable; for it will make more divided sounds: as if you should make a cross-barrel hollow through the barrel of a piece, it may be it would give several sounds both at the nose and at the sides. But I conceive, that if it were possible to bring to pass, that there should be no air pent at the mouth of the piece, the bullet might fly with small or no noise. For first it is certain, there is no noise in the percussion of the flame upon the bullet. Next the bullet, in piercing through the air, maketh no noise; as hath been said. And then, if there be no pent air that striketh upon open air, there is no cause of noise; and yet the flying of the bullet will not be stayed. For that motion, as hath been oft said, is in the parts of the bullet, and not in the air. So as trial must be made by taking some small concave of metal, no more than you mean to fill with powder, and laying the bullet in the mouth of it, half out in the open air.

121. I heard it affirmed by a man that was a great dealer in secrets, but he was but vain, that there was a conspiracy, which himself hindered, to have killed queen Mary, sister to queen Elizabeth, by a burning-glass, when she walked in Saint James's park, from the leads of the house. But thus much, no doubt, is true; that if burning-glasses could be brought to a great strength, as they talk generally of burning-glasses that are able to burn a navy, the percussion of the air alone by such a burning-glass, would make no noise; no more than is found in coruscations and lightnings without thunders.

122. I suppose that impression of the air with sounds asketh a time to be conveyed to the sense, as well as the impressing of species visible; or else they will not be heard. And therefore, as the bullet moveth so swift that it is invisible; so the same swiftness of motion maketh it inaudible: for we see, that the apprehension of the eye is quicker than that of the ear.

123. All eruptions of air, though small and slight, give an entity of sound, which we call crackling, puffing, spitting, &c. as in bay-salt, and bay-leaves, cast into the fire; so in chestnuts, when they leap forth of the ashes; so in green wood laid upon the fire, especially roots; so in candles, that spit flame if they be wet; so in rasping, sneezing, &c.; so in a rose leaf gathered together into the fashion of a purse, and broken upon the forehead, or back of the hand, as children use.

Experiments in consort touching production, conservation, and delation of sounds; and the office of the air therein.

124. The cause given of sound, that it should be an elision of the air, whereby, if they mean any thing, they mean a cutting or dividing, or else an attenuating of the air, is but a term of ignorance; and the notion is but a catch of the wit upon a few instances; as the manner is in the philosophy received. And it is common with men, that if they have gotten a pretty expression by a word of art, that expression goeth current; though it be empty of matter. This conceit of elision appeareth most manifestly to be false, in that the sound of a bell, string, or the like, continueth melting some time after the percussion; but ceaseth straightways, if the bell or string be touched and stayed: whereas, if it were the elision of the air that made the sound, it could not be that the touch of the bell or string should extinguish so suddenly that motion caused by the elision of the air. This appeareth yet more manifestly by chiming with a hammer upon the outside of a bell: for the sound will be according to the inward concave of the bell: whereas the elision or attenuation of the air cannot be but only between the hammer and the outside of the bell. So again, if it were an elision, a broad hammer and a bodkin, struck upon metal, would give a diverse tone, as well

as a diverse loudness: but they do not so; for though the sound of the one be louder, and of the other softer, yet the tone is the same. Besides, in echoes, whereof some are as loud as the original voice, there is no new elision, but a repercussion only. But that which convinceth it most of all is, that sounds are generated where there is no air at all. But these and the like conceits, when men have cleared their understanding by the light of experience, will scatter and break up like a mist.

125. It is certain, that sound is not produced at the first, but with some local motion of the air, or flame, or some other medium; nor yet without some resistance, either in the air or the body percussed. For if there be a mere yielding or cession, it produceth no sound; as hath been said. And therein sounds differ from light and colours, which pass through the air, or other bodies, without any local motion of the air; either at the first, or after. But you must attentively distinguish between the local motion of the air; which is but vehiculum causæ, a carrier of the sounds, and the sounds themselves, conveyed in the air. For as to the former, we see manifestly, that no sound is produced, no not by air itself against other air, as in organs, &c. but with a perceptible blast of the air; and with some resistance of the air strucken. For even all speech, which is one of the gentlest motions of air, is with expulsion of a little breath. And all pipes have a blast, as well as a sound. We see also manifestly, that sounds are carried with wind: and therefore sounds will be heard farther with the wind, than against the wind; and likewise do rise and fall with the intension or remission of the wind. But for the impression of the sound, it is quite another thing, and is utterly without any local motion of the air, perceptible; and in that resembleth the species visible: for after a man hath lured, or a bell is rung, we cannot discern any perceptible motion at all in the air along as the sound goeth; but only at the first. Neither doth the wind, as far as it carrieth a voice, with the motion thereof, confound any of the delicate and articulate figurations of the air, in variety of words. And if a man speak a good loudness against the flame of a candle, it will not make it tremble much; though most when those letters are pronounced which contract the mouth; as F, S, V, and some others. But gentle breathing, or blowing without speaking, will move the candle far more. And it is the more probable, that sound is without any local motion of the air, because as it differeth from the sight, in that it needeth a local motion of the air at first; so it paralleleth in so many other things with the sight, and radiation of things visible; which, without all question, induce no local motion in the air, as hath been said.

126. Nevertheless it is true, that upon the noise of thunder, and great ordnance, glass windows will shake; and fishes are thought to be frayed with the motion caused by noise upon the water. But these effects are from the local motion of the air, which is a concomitant of the sound, as hath been said, and not from the sound.

127. It hath been anciently reported, and is still received, that extreme applauses, and shouting of people assembled in great multitudes, have so rarified and broken the air, that birds flying over have fallen down, the air being not able to support them. And it is believed by some, that great ringing of bells in populous cities hath chased away thunder; and also dissipated pestilent air: all which may be also from the concussion of the air, and not from the sound.

128. A very great sound, near hand, hath stracken many deaf; and at the instant they have found, as it were, the breaking of a skin or parchment in their ear: and myself standing near one that lured loud and shrill, had suddenly an offence, as if somewhat had broken or been dislocated in my ear; and immediately after a loud ringing, not an ordinary singing or hissing, but far louder and differing, so as I feared some deafness. But after some half quarter of an hour it vanished. This effect may be truly referred unto the sound: for, as is commonly received, an over-potent object doth destroy the sense; and spiritual species, both visible and audible, will work upon the sensories, though they move not any other body.

129. In dilation of sounds, the enclosure of them preserveth them, and causeth them to be heard farther. And we find in rolls of parchment or trunks, the mouth being laid to the one end of the roll of parchment or trunk, and the ear to the other, the sound is heard much farther than in the open air. The cause is, for that the sound spendeth, and is dissipated in the open air; but in such concave it is conserved and contracted. So also in a piece of ordnance, if you speak in the touch-hole, and another lay his ear to the mouth of the piece, the sound passeth and is far better heard than in the open air.

130. It is further to be considered, how it proveth and worketh when the sound is not enclosed all the length of its way, but passeth partly through open air; as where you speak some distance from a trunk; or where the ear is some distance from the trunk at the other end; or where both month and ear are distant from the trunk. And it is tried, that in a long trunk of some eight or ten foot, the sound is holpen, though both the mouth and the ear be a handful or more from the ends of the trunk; and somewhat more holpen, when the ear of the hearer is near, than when the mouth of the speaker. And it is certain, that the voice is better heard in a chamber from abroad, than abroad from within the chamber.

131. As the enclosure that is round about and entire, preserveth the sound; so doth a semi-concave, though in a less degree. And therefore, if you divide a trunk or a cane into two, and one speak at the one end, and you lay your ear at the other, it will carry the voice farther, than in the air at large. Nay farther, if it be not a full semi-concave, but if you do the like upon the mast of a ship, or a long pole, or a piece of ordnance, though one speak upon the surface of the ordnance, and not at any of the bores, the voice will be heard farther than in the air at large.

132. It would be tried, how, and with what proportion of disadvantage the voice will be carried in a horn, which is a line arched; or in a trumpet, which is a line retorted; or in some pipe that were sinuous.

133. It is certain, howsoever it cross the received opinion, that sounds may be created without air, though air be the most favourable deferent of sounds. Take a vessel of water, and knap a pair of tongs some depth within the water, and you shall hear the sound of the tongs well, and not much diminished; and yet there is no air at all present.

134. Take one vessel of silver, and another of wood, and fill each of them full of water, and then knap the tongs together, as before, about a handful from the bottom, and you shall find the sound much more resounding from the vessel of silver, than from that of wood: and yet if there be no water in the vessel, so that you knap the tongs in the air, you shall find no difference between the silver and the wooden vessel. Whereby, beside the main point of creating sound without air, you may collect two things: the one, that the sound communicateth with the bottom of the vessel; the other, that such a communication passeth far better through water than air.

135. Strike any hard bodies together in the midst of a flame; and you shall hear the sound with little difference from the sound in the air.

136. The pneumatical part which is in all tangible bodies, and hath some affinity with the air, performeth, in some degree, the parts of the air; as when you knock upon an empty barrel, the sound is in part created by the air on the outside, and in part by the air in the inside: for the sound will be greater or lesser, as the barrel is more empty or more full; but yet the sound participateth also with the spirit in the wood through which it passeth, from the outside to the inside: and so it cometh to pass in the chiming of bells on the outside; where also the sound passeth to the inside: and a number of other like instances, whereof we shall speak more when we handle the communication of sounds.

137. It were extreme grossness to think, as we have partly touched before, that the sound in strings is made or produced between the hand and the string, or the quill and the string, or the bow and the string, for those are but vehicula motus, passages to the creation of the sound, the sound being produced between the string and the air: and that not by any impulsion of the air from the first motion of the string; but by the return or result of the string, which was strained by the touch, to his former place: which motion of result is quick and sharp; whereas the first motion is soft and dull. So the bow torureth the string continually, and thereby holdeth it in a continual trepidation.

Experiments in consort touching the magnitude and exility and damps of sounds.

138. Take a trunk, and let one whistle at the one end, and hold your ear at the other, and you shall find the sound strike so sharp as you can scarce endure it. The cause is, for that sound diffuseth itself in round, and so spendeth itself; but if the sound, which would scatter in open air, be made to go all into a canal, it must needs give greater force to the sound. And so you may note, that enclosures do not only preserve sound, but also increase and sharpen it.

139. A hunter's horn being greater at one end than at the other, doth increase the sound more than if the horn were all of an equal bore. The cause is, for that the air and sound being first contracted at the lesser end, and afterwards having more room to spread at the greater end, do dilate themselves; and in coming out strike more air; whereby the sound is the greater and baser. And even hunters' horns, which are sometimes made straight, and not oblique, are ever greater at the lower end. It would be tried also in pipes, being made far larger at the lower end; or being made with a belly towards the lower end, and then issuing into a straight concave again.

140. There is in St. James's fields a conduit of brick, unto which joineth a low vault; and at the end of that a round house of stone: and in the brick conduit there is a window; and in the round house a slit or rift of some little breadth: if you cry out in the rift, it will make a fearful roaring at the window. The cause is the same with the former; for that all concaves, that proceed from more narrow to more broad, do amplify the sound at the coming out.

141. Hawks' bells, that have holes in the sides, give a greater ring, than if the pellet did strike upon brass in the open air. The cause is the same with the first instance of the trunk; namely, for that the sound enclosed with the sides of the bell cometh forth at the holes unspent and more strong.

142. In drums, the closeness round about, that preserveth the sound from dispersing, maketh the noise come out at the drum-hole far more loud and strong than if you should strike upon the like skin extended in the open air. The cause is the same with the two precedent.

143. Sounds are better heard, and farther off, in an evening or in the night, than at the noon or in the day. The cause is, for that in the day, when the air is more thin, no doubt, the sound pierceth better; but when the air is more thick, as in the night, the sound spendeth and spreadeth abroad less: and so it is a degree of enclosure. As for the night, it is true also that the general silence helpeth.

144. There be two kinds of reflexions of sounds; the one at distance, which is the echo; wherein the original is heard distinctly, and the reflection also distinctly; of which we shall speak hereafter: the other in concurrence; when the sound reflecting, the reflexion being near at hand, returneth immediately upon the original, and so iterateth it not, but amplifieth it. Therefore we see, that music upon the water soundeth more; and so likewise music is better in chambers wainscotted than hanged.

145. The strings of a lute, or viol, or virginals, do give a far greater sound, by reason of the knot, and board, and concave underneath, than if there

were nothing but only the flat of a board, without that hollow and knot, to let in the upper air into the lower. The cause is the communication of the upper air with the lower, and penning of both from expense or dispersing.

146. An Irish harp hath open air on both sides of the strings: and it hath the concave or belly not along the strings, but at the end of the strings. It maketh a more resounding sound than a bandora, orpharion, or cittern, which have likewise wire-strings. I judge the cause to be, for that open air on both sides helpeth, so that there be a concave; which is therefore best placed at the end.

147. In a virginal, when the lid is down, it maketh a more exile sound than when the lid is open. The cause is, for that all shutting in of air, where there is no competent vent, dampeth the sound: which maintaineth likewise the former instance; for the belly of the lute or viol doth pen the air somewhat.

148. There is a church at Gloucester, and, as I have heard, the like is in some other places, where if you speak against a wall softly, another shall hear your voice better a good way off, than near at hand. Inquire more particularly of the frame of that place. I suppose there is some vault, or hollow, or aisle, behind the wall, and some passage to it towards the farther end of that wall against which you speak; so as the voice of him that speaketh slideth along the wall, and then entereth at some passage, and communicateth with the air of the hollow; for it is preserved somewhat by the plain wall; but that is too weak to give a sound audible, till it hath communicated with the back air.

149. Strike upon a bow-string, and lay the horn of the bow near your ear, and it will increase the sound, and make a degree of a tone. The cause is, for that the sensory, by reason of the close holding, is percussed before the air disperseth. The like is, if you hold the horn betwixt your teeth: but that is a plain delation of the sound from the teeth to the instrument of hearing; for there is a great intercourse between those two parts; as appeareth by this, that a harsh grating tune setteth the teeth on edge. The like falleth out, if the horn of the bow be put upon the temples; but that is but the slide of the sound from thence to the ear.

150. If you take a rod of iron or brass, and hold the one end to your ear, and strike upon the other, it maketh a far greater sound than the like stroke upon the rod, made not so contiguous to the ear. By which, and by some other instances that have been partly touched, it should appear, that sounds do not only slide upon the surface of a smooth body, but do also communicate with the spirits, that are in the pores of the body.

151. I remember in Trinity College, in Cambridge, there was an upper chamber, which, being thought weak in the roof of it, was supported by a pillar of iron of the bigness of one's arm in the midst of the chamber; which if you had struck, it would make a little flat noise in the room where it was struck, but it would make a great bomb in the chamber beneath.

152. The sound which is made by buckets in a well, when they touch upon the water, or when they strike upon the side of the well, or when two buckets dash the one against the other, these sounds are deeper and fuller than if the like percussion were made in the open air. The cause is the penning and enclosure of the air in the concave of the well.

153. Barrels placed in a room under the floor of a chamber, make all noises in the same chamber more full and resounding.

So that there be five ways, in general, of majoration of sounds: enclosure simple; enclosure with dilatation; communication; reflexion concurrent; and approach to the sensory.

154. For exility of the voice or other sounds; it is certain that the voice doth pass through solid and hard bodies if they be not too thick; and through water, which is likewise a very close body, and such a one as letteth not in air. But then the voice, or other sound, is reduced by such passage to a great weakness or exility. If therefore you stop the holes of a hawk's bell, it will make no ring, but a flat noise or rattle. And so doth aëtites or eagle-stone, which hath a little stone within it.

155. And as for water, it is a certain trial: let a man go into a bath, and take a pail, and turn the bottom upward, and carry the mouth of it, even down to the level of the water, and so press it down under the water some handful and a half, still keeping it even, that it may not tilt on either side, and so the air get out: then let him that is in the bath dive with his head so far under water, as he may put his head into the pail, and there will come as much air bubbling forth, as will make room for his head. Then let him speak, and any that shall stand without shall hear his voice plainly; but yet made extreme sharp and exile, like the voice of puppets: but yet the articulate sounds of the words will not be confounded. Note, that it may be much more handsomely done, if the pail be put over the man's head above water, and then he cower down, and the pail be pressed down with him. Note, that a man must kneel or sit, that he may be lower than the water. A man would think that the Sicilian poet had knowledge of this experiment; for he saith, that Hercules's page, Hylas, went with a water pot to fill it at a pleasant fountain that was near the shore, and that the nymphs of the fountain fell in love with the boy, and pulled him under water, keeping him alive; and that Hercules missing his page, called him by his name aloud, that all the shore rang of it; and that Hylas from within the water answered his master, but, that which is to the present purpose, with so small and exile a voice, as Hercules thought he had been three miles off, when the fountain, indeed, was fast by.

156. In lutes and instruments of strings, if you stop a string high, whereby it hath less scope to tremble, the sound is more treble, but yet more dead.

157. Take two saucers, and strike the edge of the one against the bottom of the other, within a pail of water; and you shall find, that as you put the saucers lower and lower, the sound groweth more flat; even while part of the saucer is above the

water; but that flatness of sound is joined with a harshness of sound; which no doubt is caused by the inequality of the sound which cometh from the part of the saucer under the water, and from the part above. But when the saucer is wholly under the water, the sound becometh more clear, but far more low, and as if the sound came from afar off.

158. A soft body dampeth the sound much more than a hard; as if a bell hath cloth or silk wrapped about it, it deadeth the sound more than if it were wool. And therefore in clericals the keys are lined: and in colleges they used to line the tablemen.

159. Trial was made in a recorder after these several manners. The bottom of it was set against the palm of the hand; stopped with wax round about; set against a damask cushion; thrust into sand; into ashes; into water, half an inch under the water; close to the bottom of a silver bason; and still the tone remained: but the bottom of it was set against a woollen carpet; a lining of plush; a lock of wool, though loosely put in; against snow; and the sound of it was quite deaded, and but breath.

160. Iron hot produceth not so full a sound as when it is cold; for while it is hot, it appeareth to be more soft and less resounding. So likewise warm water, when it falleth, make not so full a sound as cold; and I conceive it is softer, and nearer the nature of oil; for it is more slippery, as may be perceived in that it scoureth better.

161. Let there be a recorder made with two fipples, at each end one; the trunk of it of the length of two recorders, and the holes answerable towards each end; and let two play the same lesson upon it in an unison; and let it be noted whether the sound be confounded, or amplified, or dulled. So likewise let a cross be made of two trunks, throughout, hollow; and let two speak, or sing, the one long-ways, the other traverse: and let two hear at the opposite ends; and note whether the sound be confounded, amplified, or dulled. Which two instances will also give light to the mixture of sounds, whereof we shall speak hereafter.

162. A bellows blown in at the hole of a drum, and the drum then strucken, maketh the sound a little flatter, but no other apparent alteration. The cause is manifest; partly for that it hindereth the issue of the sound; and partly for that it maketh the air, being blown together, less movable.

Experiments in consort touching the loudness or softness of sounds, and their carriage at longer or shorter distance.

163. The loudness and softness of sounds is a thing distinct from the magnitude and exility of sounds; for a base string, though softly strucken, giveth the greater sound; but a treble string, if hard strucken, will be heard much farther off. And the cause is, for that the base string striketh more air, and the treble less air, but with a sharper percussion.

164. It is therefore the strength of the percussion, that is a principal cause of the loudness or softness of sounds; as in knocking harder or softer; winding of a horn stronger or weaker; ringing of a hand-bell harder or softer, &c. And the strength of this percussion consisteth as much or more in the hardness of the body percussed, as in the force of the body percussing: for if you strike against a cloth, it will give a less sound; if against wood, a greater; if against metal, yet a greater; and in metals, if you strike against gold, which is the more pliant, it giveth the flatter sound; if against silver or brass, the more ringing sound. As for air, where it is strongly pent, it matcheth a hard body. And therefore we see in discharging of a piece, what a great noise it maketh. We see also, that the charge with bullet, or with paper wet and hard stopped, or with powder alone rammed in hard, maketh no great difference in the loudness of the report.

165. The sharpness or quickness of the percussion, is a great cause of the loudness, as well as the strength; as in a whip or wand, if you strike the air with it; the sharper and quicker you strike it, the louder sound it giveth. And in playing upon the lute or virginals, the quick stroke or touch is a great life to the sound. The cause is, for that the quick striking cutteth the air speedily; whereas the soft striking doth rather beat than cut.

Experiments in consort touching the communication of sounds.

The communication of sounds, as in bellies of lutes, empty vessels, &c. hath been touched obiter in the majoration of sounds; but it is fit also to make a title of it apart.

166. The experiment for greatest demonstration of communication of sounds, is the chiming of bells; where if you strike with a hammer upon the upper part, and then upon the midst, and then upon the lower, you shall find the sound to be more treble and more base, according unto the concave on the inside, though the percussion be only on the outside.

167. When the sound is created between the blast of the mouth and the air of the pipe, it hath nevertheless some communication with the matter of the sides of the pipe, and the spirits in them contained; for in a pipe, or trumpet, of wood, and brass, the sound will be diverse; so if the pipe be covered with cloth or silk, it will give a diverse sound from that it would do of itself; so if the pipe be a little wet on the inside, it will make a differing sound from the same pipe dry.

168. That sound made within water doth communicate better with a hard body through water, than made in air it doth with air, vide Experimentum 134.

Experiments in consort touching equality and inequality of sounds.

We have spoken before, in the inquisition touching music, of musical sounds, whereunto there may be a concord or discord in two parts; which sounds we call tones: and likewise of immusical sounds; and have given the cause, that the tone proceedeth of equality, and the other of inequality. And we have also expressed there, what are the equal bodies that give tones, and what are the unequal that give none. But now we shall speak of such inequality

of sounds, as proceedeth not from the nature of the bodies themselves, but is accidental; either from the roughness or obliquity of the passage, or from the doubling of the percutient, or from the trepidation of the motion.

169. A bell, if it have a rift in it, whereby the sound hath not a clear passage, giveth a hoarse and jarring sound; so the voice of man, when by cold taken the weasand groweth rugged, and, as we call it, furred, becometh hoarse. And in these two instances the sounds are ingrate, because they are merely unequal: but if they be unequal in equality, then the sound is grateful, but purling.

170. All instruments that have either returns, as trumpets; or flexions, as cornets; or are drawn up, and put from, as sackbuts; have a purling sound: but the recorder, or flute, that have none of these inequalities, give a clear sound. Nevertheless, the recorder itself, or pipe, moistened a little in the inside, soundeth more solemnly, and with a little purling or hissing. Again, a wreathed string, such as are in the base strings of bandoras, giveth also a purling sound.

171. But a lute-string, if it be merely unequal in its parts, giveth a harsh and untunable sound; which strings we call false, being bigger in one place than in other; and therefore wire strings are never false. We see also that when we try a false lute-string, we use to extend it hard between the fingers, and to fillip it; and if it giveth a double species, it is true; but if it giveth a treble, or more, it is false.

172. Waters, in the noise they make as they run, represent to the ear a trembling noise; and in regals, where they have a pipe they call the nightingale pipe, which containeth water, the sound hath a continual trembling: and children have also little things they call cocks, which have water in them; and when they blow or whistle in them, they yield a trembling noise: which trembling of water hath an affinity with the letter L. All which inequalities of trepidation are rather pleasant than otherwise.

173. All base notes, or very treble notes, give an asper sound; for that the base striketh more air, than it can well strike equally: and the treble cutteth the air so sharp, as it returneth too swift to make the sound equal: and therefore a mean or tenor is the sweetest part.

174. We know nothing that can at pleasure make a musical or immusical sound by voluntary motion, but the voice of man and birds. The cause is, no doubt, in the weasand or wind-pipe, which we call aspera arteria, which being well extended, gathereth equality; as a bladder that is wrinkled, if it be extended, becometh smooth. The extension is always more in tones than in speech: therefore the inward voice or whisper can never give a tone. And in singing, there is, manifestly, a greater working and labour of the throat, than in speaking; as appeareth in the thrusting out or drawing in of the chin, when we sing.

175. The humming of bees is an unequal buzzing, and is conceived by some of the ancients not to come forth at their mouth, but to be an inward sound; but it may be, it is neither; but from the motion of their wings: for it is not heard but when they stir.

176. All metals quenched in water give a sibilation or hissing sound, which hath an affinity with the letter Z, notwithstanding the sound be created between the water or vapour, and the air. Seething also, if there be but small store of water in a vessel, giveth a hissing sound; but boiling in a full vessel giveth a bubbling sound, drawing somewhat near to the cocks used by children.

177. Trial would be made, whether the inequality or interchange of the medium will not produce an inequality of sound; as if three bells were made one within another, and air betwixt each; and then the outermost bell were chimed with a hammer, how the sound would differ from a simple bell. So likewise take a plate of brass, and a plank of wood, and join them close together, and knock upon one of them, and see if they do not give an unequal sound. So make two or three partitions of wood in a hogshead, with holes or knots in them; and mark the difference of their sound from the sound of a hogshead without such partitions.

Experiments in consort touching the more treble, and the more base tones, or musical sounds.

178. It is evident, that the percussion of the greater quantity of air causeth the baser sound; and the less quantity the more treble sound. The percussion of the greater quantity of air is produced by the greatness of the body percussing; by the latitude of the concave by which the sound passeth; and by the longitude of the same concave. Therefore we see that a base string is greater than a treble; a base pipe hath a greater bore than a treble; and in pipes, and the like, the lower the note-holes be, and the farther off from the mouth of the pipe, the more base sound they yield; and the nearer the mouth, the more treble. Nay more, if you strike an entire body, as an andiron of brass, at the top, it maketh a more treble sound; and at the bottom a baser.

179. It is also evident, that the sharper or quicker percussion of air causeth the more treble sound; and the slower or heavier, the more base sound. So we see in strings; the more they are wound up and strained, and thereby give a more quick start-back, the more treble is the sound; and the slacker they are, or less wound up, the baser is the sound. And therefore a bigger string more strained, and a lesser string less strained, may fall into the same tone.

180. Children, women, eunuchs, have more small and shrill voices than men. The reason is, not for that men have greater heat, which may make the voice stronger, for the strength of a voice or sound doth make a difference in the loudness or softness, but not in the tone, but, from the dilatation of the organ; which, it is true, is likewise caused by heat. But the cause of changing the voice at the years of puberty, is more obscure. It seemeth to be, for that when much of the moisture of the body, which

did before irrigate the parts, is drawn down to the spermatical vessels, it leaveth the body more hot than it was; whence cometh the dilatation of the pipes: for we see plainly all effects of heat do then come on; as pilosity, more roughness of the skin, hardness of the flesh, &c.

181. The industry of the musician hath produced two other means of straining or intension of strings, besides their winding up. The one is the stopping of the string with the finger; as in the necks of lutes, viols, &c. The other is the shortness of the string, as in harps, virginals, &c. Both these have one and the same reason; for they cause the string to give a quicker start.

182. In the straining of a string, the farther it is strained, the less superstraining goeth to a note; for it requireth good winding of a string before it will make any note at all; and in the stops of lutes, &c. the higher they go, the less distance is between the frets.

183. If you fill a drinking glass with water, especially one sharp below, and wide above, and flip upon the brim or outside; and after empty part of the water, and so more and more, and still by the tone by filliping; you shall find the tone fall and be more base, as the glass is more empty.

Experiments in consort touching the proportion of treble and base tones.

The just and measured proportion of the air perceived, towards the baseness or trebleness of tones, is one of the greatest secrets in the contemplation of sounds. For it discovereth the true coincidence of tones into diapasons; which is the return of the same sound. And so of the concords and discords between the unison and the diapason, which we have touched before in the experiments of music; but think fit to resume it here as a principal part of our inquiry touching the nature of sounds. It may be found out in the proportion of the winding of strings: in the proportion of the distance of frets; and in proportion of the concave of pipes, &c. but most commodiously in the last of these.

184. Try therefore the winding of a string once about, as soon as it is brought to that extension as will give a tone; and then of twice about, and thrice about, &c. and mark the scale or difference of the rise of the tone: whereby you shall discover, in one, two effects: both the proportion of the sound towards the dimension of the winding; and the proportion likewise of the sound towards the string, as it is more or less strained. But note that to measure this, the way will be, to take the length in a right line of the string, upon any winding about of the peg.

185. As for the stops, you are to take the number of frets; and principally the length of the line, from the first stop of the string, unto such a stop as shall produce a diapason to the former stop upon the same string.

186. But it will best, as it is said, appear in the pipes of wind-instruments: and therefore cause some half dozen pipes to be made, in length and all things else alike, with a single, double, and so on to a sextuple bore; and so mark what fall of tone every one giveth. But still in these three last instances, you must diligently observe, what length of string, or distance of stop, or concave of air, maketh what rise of sound. As in the last of these, which, as we said, is that which giveth the aptest demonstration, you must set down what increase of concave goeth to the making of a note higher; and what of two notes; and what of three notes; and so up to the diapason: for then the great secret of numbers and proportions will appear. It is not unlike that those that make recorders, &c. know this already: for that they make them in sets; and likewise bell-founders, in fitting the tune of their bells. So that inquiry may save trial. Surely it hath been observed by one of the ancients, that an empty barrel knocked upon with the finger, giveth a diapason to the sound of the like barrel full; but how that should be I do not well understand; for that the knocking of a barrel full or empty, doth scarce give any tone.

187. There is required some sensible difference in the proportion of creating a note, towards the sound itself, which is the passive: and that it be not too near, but at a distance. For in a recorder, the three uppermost holes yield one tone; which is a note lower than the tone of the first three. And the like, no doubt, is required in the winding or stopping of strings.

Experiments in consort touching exterior and interior sounds.

There is another difference of sounds, which we will call exterior and interior. It is not soft nor loud: nor it is not base nor treble: nor it is not musical nor immusical: though it be true, that there can be no tone in an interior sound; but on the other side, in an exterior sound there may be both musical and immusical. We shall therefore enumerate them, rather than precisely distinguish them; though, to make some adumbration of that we mean, the interior is rather an impulsion or contusion of the air, than an elision or section of the same: so as the percussion of the one towards the other differeth as a blow differeth from a cut.

188. In speech of man, the whispering, which they call susurrus in Latin, whether it be louder or softer, is an interior sound; but the speaking out is an exterior sound; and therefore you can never make a tone, nor sing in whispering; but in speech you may: so breathing, or blowing by the mouth, bellows, or wind, though loud, is an interior sound; but the blowing through a pipe or concave, though soft, is an exterior. So likewise the greatest winds, if they have no coarctation, or blow not hollow, give an interior sound; the whistling or hollow wind yieldeth a singing, or exterior sound; the former being pent by some other body; the latter being pent in by its own density: and therefore we see, that when the wind bloweth hollow, it is a sign of rain. The flame, as it moveth within itself or is blown by a bellows, giveth a murmur or interior sound.

189. There is no hard body, but struck against

another hard body will yield an exterior sound greater or lesser: insomuch as if the percussion be over-soft, it may induce a nullity of sound; but never an interior sound; as when one treadeth so softly that he is not heard.

190. Where the air is the percutient, pent or not pent, against a hard body, it never giveth an exterior sound; as if you blow strongly with a bellows against a wall.

191. Sounds, both exterior and interior, may be made as well by suction as by emission of the breath: as in whistling or breathing.

Experiments in consort, touching articulation of sounds.

192. It is evident, and it is one of the strangest secrets in sounds, that the whole sound is not in the whole air only; but the whole sound is also in every small part of the air. So that all the curious diversity of articulate sounds, of the voice of man or birds, will enter at a small cranny inconfused.

193. The unequal agitation of the winds and the like, though they be material to the carriage of the sounds farther or less way; yet they do not confound the articulation of them at all, within that distance that they can be heard; though, it may be, they make them to be heard less way than in a still; as hath been partly touched.

194. Over-great distance confoundeth the articulation of sounds; as we see, that you may hear the sound of a preacher's voice, or the like, when you cannot distinguish what he saith. And one articulate sound will confound another, as when many speak at once.

195. In the experiment of speaking under water, when the voice is reduced to such an extreme exility, yet the articulate sounds, which are the words, are not confounded as hath been said.

196. I conceive, that an extreme small or an extreme great sound cannot be articulate; but that the articulation requireth a mediocrity of sound: for that the extreme small sound confoundeth the articulation by contracting; and the great sound by dispersing: and although, as was formerly said, a sound articulate, already created, will be contracted into a small cranny; yet the first articulation requireth more dimension.

197. It hath been observed, that in a room, or in a chapel, vaulted below and vaulted likewise in the roof, a preacher cannot be heard so well, as in the like places, not so vaulted. The cause is, for that the subsequent words come on before the precedent words vanish; and therefore the articulate sounds are more confused, though the gross of the sound be greater.

198. The motions of the tongue, lips, throat, palate, &c. which go to the making of the several alphabetical letters, are worthy inquiry, and pertinent to the present inquisition of sounds: but because they are subtle, and long to describe, we will refer them over, and place them amongst the experiments of speech. The Hebrews have been diligent in it, and have assigned which letters are labial, which dental, which guttural, &c. As for the Latins and Grecians, they have distinguished between semivowels and mutes; and in mutes between mutæ tenues, mediæ, and aspiratæ; not amiss, but yet not diligently enough. For the special strokes and motions that create those sounds, they have little inquired: as, that the letters B, P, F, M, are not expressed, but with the contracting or shutting of the mouth; that the letters N and B, cannot be pronounced but that the letter N will turn into M; as hecatonba will be hecatomba. That M and T cannot be pronounced together, but P will come between; as emtus is pronounced emptus; and a number of the like. So that if you inquire to the full, you will find, that to the making of the whole alphabet there will be fewer simple motions required than there are letters.

199. The lungs are the most spungy part of the body; and therefore ablest to contract and dilate itself: and where it contracteth itself, it expelleth the air; which through the artery, throat, and mouth, maketh the voice: but yet articulation is not made but with the help of the tongue, palate, and the rest of those they call instruments of voice.

200. There is found a similitude between the sound that is made by inanimate bodies, or by animate bodies, that have no voice articulate, and divers letters of articulate voices; and commonly men have given such names to those sounds, as do allude unto the articulate letters; as trembling of water hath resemblance with the letter L; quenching of hot metals with the letter Z; snarling of dogs with the letter R; the noise of screech-owls with the letter Sh; voice of cats with the diphthong Eu; voice of cuckows with the diphthong Ou; sounds of strings with the letter Ng; so that if a man, for curiosity or strangeness' sake, would make a puppet or other dead body to pronounce a word, let him consider, on the one part, the motion of the instruments of voice; and on the other part, the like sounds made in inanimate bodies; and what conformity there is that causeth the similitude of sounds; and by that he may minister light to that effect.

CENTURY III.

Experiments in consort touching the motions of sounds, in what lines they are circular, oblique, straight, upwards, downwards, forwards, backwards.

201. ALL sounds whatsoever move round; that is to say, on all sides; upwards, downwards, forwards, and backwards. This appeareth in all instances.

202. Sounds do not require to be conveyed to the sense in a right line, as visibles do, but may be arched; though it be true, they move strongest in a right line; which nevertheless is not caused by the rightness of the line, but by the shortness of the distance; linea recta brevissima. And therefore we see if a wall be between, and you speak on the one side, you hear it on the other; which is not because the sound passeth through the wall, but archeth over the wall.

203. If the sound be stopped and repercussed, it cometh about on the other side in an oblique line. So, if in a coach one side of the boot be down, and the other up, and a beggar beg on the close side; you will think that he were on the open side. So likewise, if a bell or clock be, for example, on the north side of a chamber, and the window of that chamber be upon the south; he that is in the chamber will think the sound came from the south.

204. Sounds, though they spread round, so that there is an orb or spherical area of the sound, yet they move strongest, and go farthest in the fore-lines, from the first local impulsion of the air. And therefore in preaching, you shall hear the preacher's voice better before the pulpit than behind it, or on the sides, though it stand open. So a harquebuss, or ordnance, will be farther heard forwards from the mouth of the piece, than backwards, or on the sides.

205. It may be doubted, that sounds do move better downwards than upwards. Pulpits are placed high above the people. And when the ancient generals spake to their armies, they had ever a mount of turf cast up, whereupon they stood; but this may be imputed to the stops and obstacles which the voice meeteth with, when one speaketh upon the level. But there seemeth to be more in it; for it may be that spiritual species, both of things visible and sounds, do move better downwards than upwards. It is a strange thing, that to men standing below on the ground, those that be on the top of Paul's seem much less than they are, and cannot be known; but to men above, those below seem nothing so much lessened, and may be known: yet it is true, that all things to them above seem also somewhat contracted, and better collected into figure: as knots in gardens show best from an upper window or terras.

206. But to make an exact trial of it, let a man stand in a chamber not much above the ground, and speak out at the window, through a trunk, to one standing on the ground, as softly as he can, the other laying his ear close to the trunk: then via versa, let the other speak below, keeping the same proportion of softness; and let him in the chamber lay his ear to the trunk: and this may be the aptest means to make a judgment, whether sounds descend or ascend better.

Experiments in consort touching the lasting and perishing of sounds; and touching the time they require to their generation or delation.

207. After that sound is created, which is in a moment, we find it continueth some small time, melting by little and little. In this there is a wonderful error amongst men, who take this to be a continuance of the first sound; whereas, in truth, it is a renovation, and not a continuance; for the body percussed hath, by reason of the percussion, a trepidation wrought in the minute parts, and so renoweth the percussion of the air. This appeareth manifestly, because that the melting sound of a bell, or of a string strucken, which is thought to be a continuance, ceaseth as soon as the bell or string are touched. As in a virginal, as soon as ever the jack falleth, and toucheth the string, the sound ceaseth; and in a bell, after you have chimed upon it, if you touch the bell, the sound ceaseth. And in this you must distinguish that there are two trepidations: the one manifest and local; as of the bell when it is pensile: the other secret, of the minute parts; such as is described in the ninth instance. But it is true, that the local helpeth the secret greatly. We see likewise that in pipes, and other wind-instruments, the sound lasteth no longer than the breath bloweth. It is true, that in organs there is a confused murmur for a while after you have played; but that is but while the bellows are in falling.

208. It is certain, that in the noise of great ordnance, where many are shot off together, the sound will be carried, at the least, twenty miles upon the land, and much farther upon the water. But then it will come to the ear, not in the instant of the shooting off, but it will come an hour or more later. This must needs be a continuance of the first sound; for there is no trepidation which should renew it. And the touching of the ordnance would not extinguish the sound the sooner: so that in great sounds the continuance is more than momentary.

209. To try exactly the time wherein sound is delated, let a man stand in a steeple, and have with him a taper; and let some vail be put before the taper; and let another man stand in the field a mile off. Then let him in the steeple strike the bell; and in the same instant withdraw the vail; and so let him in the field tell by his pulse what distance of time there is between the light seen, and the sound heard: for it is certain that the delation of light is in instant. This may be tried in far greater distances, allowing greater lights and sounds.

210. It is generally known and observed that

light, and the object of sight, move swifter than sound: for we see the flash of a piece is seen sooner than the noise is heard. And in hewing wood, if one be some distance off, he shall see the arm lifted up for a second stroke, before he hear the noise of the first. And the greater the distance, the greater is the prevention: as we see in thunder which is far off, where the lightning precedeth the crack a good space.

211. Colours, when they represent themselves to the eye, fade not, nor melt not by degrees, but appear still in the same strength; but sounds melt and vanish by little and little. The cause is, for that colours participate nothing with the motion of the air, but sounds do. And it is a plain argument, that sound participateth of some local motion of the air, as a cause sine qua non, in that it perisheth so suddenly; for in every section or impulsion of the air, the air doth suddenly restore and reunite itself; which the water also doth, but nothing so swiftly.

Experiments in consort touching the passage and interceptions of sounds.

In the trials of the passage, or not passage of sounds, you must take heed you mistake not the passing by the sides of the body, for the passing through a body; and therefore you must make the intercepting body very close; for sound will pass through a small chink.

212. Where sound passeth through a hard or close body, as through water; through a wall; through metal, as in hawks' bells stopped, &c.; the hard or close body must be but thin and small; for else it deadeth and extinguisheth the sound utterly. And therefore in the experiment of speaking in air under water, the voice must not be very deep within the water; for then the sound pierceth not. So if you speak on the farther side of a close wall, if the wall be very thick you shall not be heard; and if there were a hogshead empty, whereof the sides were some two foot thick, and the bung-hole stopped; I conceive the resounding sound, by the communication of the outward air with the air within, would be little or none: but only you shall hear the noise of the outward knock, as if the vessel were full.

213. It is certain, that in the passage of sounds through hard bodies the spirit or pneumatical part of the hard body itself doth co-operate; but much better when the sides of that hard body are struck, than when the percussion is only within, without touch of the sides. Take therefore a hawk's bell, the holes stopped up, and hang it by a thread within a bottle glass, and stop the mouth of the glass very close with wax; and then shake the glass, and see whether the bell give any sound at all, or how weak: but note, that you must instead of the thread take a wire; or else let the glass have a great belly; lest when you shake the bell, it dash upon the sides of the glass.

214. It is plain, that a very long and downright arch for the sound to pass, will extinguish the sound quite; so that that sound, which would be heard over a wall, will not be heard over a church; nor that sound, which will be heard if you stand some distance from the wall, will be heard if you stand close under the wall.

215. Soft and foraminous bodies, in the first creation of the sound, will dead it; for the striking against cloth or fur will make little sound; as hath been said: but in the passage of the sound, they will admit it better than harder bodies; as we see that curtains and hangings will not stay the sound much; but glass windows, if they be very close, will check a sound more than the like thickness of cloth. We see also in the rumbling of the belly, how easily the sound passeth through the guts and skin.

216. It is worthy the inquiry, whether great sounds, as of ordnance or bells, become not more weak and exile when they pass through small crannies. For the subtilties of articulate sounds, it may be, may pass through small crannies not confused; but the magnitude of the sound, perhaps, not so well.

Experiments in consort touching the medium of sounds.

217. The mediums of sounds are air; soft and porous bodies; also water. And hard bodies refuse not altogether to be mediums of sounds. But all of them are dull and unapt deferents, except the air.

218. In air, the thinner or drier air carrieth not the sound so well as the more dense; as appeareth in night sounds, and evening sounds, and sounds in moist weather and southern winds. The reason is already mentioned in the title of majoration of sounds; being for that thin air is better pierced; but thick air preserveth the sound better from waste: let further trial be made by hollowing in mists and gentle showers; for, it may be, that will somewhat dead the sound.

219. How far forth flame may be a medium of sounds, especially of such sounds as are created by air, and not betwixt hard bodies, let it be tried in speaking where a bonfire is between; but then you must allow for some disturbance the noise that the flame itself maketh.

220. Whether any other liquors, being made mediums, cause a diversity of sound from water, it may be tried: as by the knapping of the tongs; or striking of the bottom of a vessel, filled either with milk or with oil; which though they be more light, yet are they more unequal bodies than air.

Of the nature of the mediums we have now spoken; as for the disposition of the said mediums, it doth consist in the penning, or not penning of the air; of which we have spoken before in the title of delation of sounds: it consisteth also in the figure of the concave through which it passeth; of which we will speak next.

Experiments in consort, what the figures of the pipes, or concaves, or the bodies deferent, conduce to the sounds.

How the figures of pipes, or concaves, through which sounds pass, or of other bodies deferent, conduce to the variety and alteration of the sounds; either in respect of the greater quantity, or less quantity of air, which the concaves receive; or in

respect of the carrying of sounds longer and shorter way; or in respect of many other circumstances; they have been touched, as falling into other titles. But those figures which we now are to speak of, we intend to be, as they concern the lines through which the sound passeth; as straight, crooked, angular, circular, &c.

221. The figure of a bell partaketh of the pyramis, but yet coming off and dilating more suddenly. The figure of a hunter's horn and cornet is oblique; yet they have likewise straight horns; which if they be of the same bore with the oblique, differ little in sound, save that the straight require somewhat a stronger blast. The figures of recorders, and flutes, and pipes, are straight; but the recorder hath a less bore and a greater, above and below. The trumpet hath the figure of the letter S: which maketh that purling sound, &c. Generally the straight line hath the cleanest and roundest sound, and the crooked, the more hoarse and jarring.

222. Of a sinuous pipe that may have some four flexions, trial would be made. Likewise of a pipe made like a cross, open in the midst. And so likewise of an angular pipe: and see what will be the effects of these several sounds. And so again of a circular pipe; as if you take a pipe perfect round, and make a hole whereinto you shall blow, and another hole not far from that; but with a traverse or stop between them; so that your breath may go the round of the circle, and come forth at the second hole. You may try likewise percussions of solid bodies of several figures; as globes, flats, cubes, crosses, triangles, &c. and their combinations, as flat against flat, and convex against convex, and convex against flat, &c. and mark well the diversities of the sounds. Try also the difference in sound of several crassitudes of hard bodies percussed; and take knowledge of the diversities of the sounds. I myself have tried, that a bell of gold yieldeth an excellent sound not inferior to that of silver or brass, but rather better; yet we see that a piece of money of gold soundeth far more flat than a piece of money of silver.

223. The harp hath the concave not along the strings, but across the strings: and no instrument hath the sound so melting and prolonged, as the Irish harp. So as I suppose, that if a virginal were made with a double concave, the one all the length, as the virginal hath; the other at the end of the strings, as the harp hath; it must needs make the sound perfecter, and not so shallow and jarring. You may try it without any sound-board along, but only harp-wise at one end of the strings; or lastly, with a double concave at each end of the strings one.

Experiments in consort touching the mixture of sounds.

224. There is an apparent diversity between the species visible and audible in this, that the visible doth not mingle in the medium, but the audible doth. For if we look abroad, we see heaven, a number of stars, trees, hills, men, beasts, at once. And the species of the one doth not confound the other. But if so many sounds came from several parts, one of them would utterly confound the other. So we see, that voices or consorts of music do make a harmony by mixture, which colours do not. It is true nevertheless that a great light drowneth a smaller, that it cannot be seen; as the sun that of a glow-worm; as well as a great sound drowneth a lesser. And I suppose likewise, that if there were two lanthorns of glass, the one a crimson, and the other an azure, and a candle within either of them, those coloured lights would mingle, and cast upon a white paper a purple colour. And even in colours, they yield a faint and weak mixture: for white walls make rooms more lightsome than black, &c. but the cause of the confusion in sounds, and the inconfusion in species visible, is, for that the sight worketh in right lines, and maketh several cones; and so there can be no coincidence in the eye or visual point: but sounds, that move in oblique and arcuate lines, must needs encounter and disturb the one the other.

225. The sweetest and best harmony is, when every part or instrument is not heard by itself, but a conflation of them all; which requireth to stand some distance off, even as it is in the mixture of perfumes; or the taking of the smells of several flowers in the air.

226. The disposition of the air in other qualities, except it be joined with sound, hath no great operation upon sounds: for whether the air be lightsome or dark, hot or cold, quiet or stirring, except it be with noise, sweet-smelling, or stinking, or the like; it importeth not much; some petty alteration or difference it may make.

227. But sounds do disturb and alter the one the other: sometimes the one drowning the other, and making it not heard; sometimes the one jarring and discording with the other, and making a confusion; sometimes the one mingling and compounding with the other, and making a harmony.

228. Two voices of like loudness will not be heard twice as far as one of them alone; and two candles of like light will not make things seen twice as far off as one. The cause is profound; but it seemeth that the impressions from the objects of the senses do mingle respectively, every one with his kind; but not in proportion, as is before demonstrated: and the reason may be, because the first impression, which is from privative to active, as from silence to noise, or from darkness to light, is a greater degree than from less noise to more noise, or from less light to more light. And the reason of that again may be, for that the air, after it hath received a charge, doth not receive a surcharge, or greater charge, with like appetite as it doth the first charge. As for the increase of virtue generally, what proportion it beareth to the increase of the matter, it is a large field, and to be handled by itself.

Experiments in consort touching melioration of sounds.

229. All reflexions concurrent do make sounds greater; but if the body that createth either the original sound, or the reflexion, be clean and smooth, it maketh them sweeter. Trial may be made of a

lute or viol, with the belly of polished brass instead of wood. We see that even in the open air, the wire-string is sweeter than the string of guts. And we see that for reflexion water excelleth; as in music near the water, or in echos.

230. It hath been tried, that a pipe a little moistened on the inside, but yet so as there be no drops left, maketh a more solemn sound, than if the pipe were dry: but yet with a sweet degree of sibilation or purling; as we touched it before in the title of equality. The cause is, for that all things porous being superficially wet, and, as it were, between dry and wet, become a little more even and smooth; but the purling which must needs proceed of inequality, I take to be bred between the smoothness of the inward surface of the pipe, which is wet, and the rest of the wood of the pipe unto which the wet cometh not, but it remaineth dry.

231. In frosty weather music within doors soundeth better. Which may be by reason not of the disposition of the air, but of the wood or string of the instrument, which is made more crisp, and so more porous and hollow: and we see that old lutes sound better than new for the same reason. And so do lute-strings that have been kept long.

232. Sound is likewise meliorated by the mingling of open air with pent air; therefore trial may be made of a lute or viol with a double belly; making another belly with a knot ever the strings; yet so, as there be room enough for the strings, and room enough to play below that belly. Trial may be made also of an Irish harp, with a concave on both sides: whereas it useth to have it but on one side. The doubt may be, lest it should make too much resounding; whereby one note would overtake another.

233. If you sing in the hole of a drum, it maketh the singing more sweet. And so I conceive it would, if it were a song in parts sung into several drums; and for handsomeness and strangeness sake, it would not be amiss to have a curtain between the place where the drums are and the hearers.

234. When a sound is created in a wind instrument between the breath and the air, yet if the sound be communicated with a more equal body of the pipe, it melioratetb the sound. For, no doubt, there would be a differing sound in a trumpet or pipe of wood; and again in a trumpet or pipe of brass. It were good to try recorders and hunters' horns of brass, what the sound would be.

235. Sounds are meliorated by the intension of the sense, where the common sense is collected most to the particular sense of hearing, and the sight suspended: and therefore sounds are sweeter, as well as greater, in the night than in the day; and I suppose they are sweeter to blind men than to others: and it is manifest, that between sleeping and waking, when all the senses are bound and suspended, music is far sweeter than when one is fully waking.

Experiments in consort touching the imitation of sounds.

236. It is a thing strange in nature when it is attentively considered, how children, and some birds, learn to imitate speech. They take no mark at all of the motion of the mouth of him that speaketh, for birds are as well taught in the dark as by light. The sounds of speech are very curious and exquisite: so one would think it were a lesson hard to learn. It is true that it is done with time, and by little and little, and with many essays and proffers, but all this dischargeth not the wonder. It would make a man think, though this which we shall say may seem exceeding strange, that there is some transmission of spirits; and that the spirits of the teacher put in motion should work with the spirits of the learner a predisposition to offer to imitate; and so to perfect the imitation by degrees. But touching operations by transmissions of spirits, which is one of the highest secrets in nature, we shall speak in due place; chiefly when we come to inquire of imagination. But as for imitation, it is certain, that there is in men and other creatures a predisposition to imitate. We see how ready apes and monkeys are to imitate all motions of man; and in the catching of dottrels, we see how the foolish bird playeth the ape in gestures: and no man, in effect, doth accompany with others, but he learneth, ere he is aware, some gesture, or voice, or fashion of the other.

237. In imitation of sounds, that man should be the teacher is no part of the matter; for birds will learn one of another; and there is no reward by feeding, or the like, given them for the imitation; and besides, you shall have parrots that will not only imitate voices, but laughing, knocking, squeaking of a door upon the hinges, or of a cart-wheel: and, in effect, any other noise they hear.

238. No beast can imitate the speech of man, but birds only; for the ape itself, that is so ready to imitate otherwise, attaineth not any degree of imitation of speech. It is true that I have known a dog, that if one howled in his ear, he would fall a howling a great while. What should be the aptness of birds in comparison of beasts to imitate the speech of man, may be farther inquired. We see that beasts have those parts which they count the instruments of speech, as lips, teeth, &c. liker unto man than birds. As for the neck, by which the throat passeth, we see many beasts have it for the length as much as birds. What better gorge or artery birds have, may be farther inquired. The birds that are known to be speakers, are parrots, pies, jays, daws, and ravens. Of which parrots have an adunque bill, but the rest not.

239. But I conceive, that the aptness of birds is not so much in the conformity of the organs of speech, as in their attention. For speech must come by hearing and learning; and birds give more heed, and mark sounds more than beasts; because naturally they are more delighted with them, and practise them more, as appeareth in their singing. We see also, that those that teach birds to sing, do keep them waking to increase their attention. We see also, that cock birds amongst singing birds are ever the better singers: which may be because they are more lively and listen more.

240. Labour and intention to imitate voices, doth conduce much to imitation: and therefore we see that there be certain pantomimi, that will represent the voices of players of interludes so to life, as if you see them not you would think they were those players themselves; and so the voices of other men that they hear.

241. There have been some that could counterfeit the distance of voices, which is a secondary object of hearing, in such sort, as when they stand fast by you, you would think the speech came from afar off, in a fearful manner. How this is done may be farther inquired. But I see no great use of it but for imposture, in counterfeiting ghosts or spirits.

Experiments in consort touching the reflexion of sounds.

There be three kinds of reflexions of sounds; a reflexion concurrent, a reflexion iterant, which we call echo; and a super-reflexion, or an echo of an echo: whereof the first hath been handled in the title of magnitude of sounds: the latter two we will now speak of.

242. The reflexion of species visible by mirrors you may command; because passing in right lines they may be guided to any point: but the reflexion of sounds is harder to master; because the sound filling great spaces in arched lines, cannot be so guided: and therefore we see there hath not been practised any means to make artificial echos. And no echo already known returneth in a very narrow room.

243. The natural echos are made upon walls, woods, rocks, hills, and banks; as for waters, being near, they make a concurrent echo; but being farther off, as upon a large river, they make an iterant echo: for there is no difference between the concurrent echo and the iterant, but the quickness or slowness of the return. But there is no doubt but water doth help the delation of echo; as well as it helpeth the delation of original sounds.

244. It is certain, as hath been formerly touched, that if you speak through a trunk stopped at the farther end, you shall find a blast return upon your mouth, but no sound at all. The cause is, for that the closeness which preserveth the original, is not able to preserve the reflected sound: besides that echos are seldom created but by loud sounds. And therefore there is less hope of artificial echos in air pent in a narrow concave. Nevertheless it hath been tried, that one leaning over a well of twenty-five fathom deep, and speaking, though but softly, yet not so soft as a whisper, the water returned a good audible echo. It would be tried whether speaking in caves, where there is no issue, save where you speak, will not yield echos, as wells do.

245. The echo cometh as the original sound doth, in a round orb of air: it were good to try the creating of the echo where the body repercussing maketh an angle; as against the return of a wall, &c. Also we see that in mirrors there is the like angle of incidence, from the object to the glass, and from the glass to the eye. And if you strike a ball side-long, not full upon the surface, the rebound will be as much the contrary way: whether there be any such resilience in echos, that is, whether a man shall hear better if he stand aside the body repercussing, than if he stand where he speaketh, or any where in a right line between, may be tried. Trial likewise would be made by standing nearer the place of repercussing, than he that speaketh; and again, by standing farther off than he that speaketh; and so knowledge would be taken, whether echos, as well as original sounds, be not strongest near hand.

246. There be many places where you shall hear a number of echos one after another: and it is when there is variety of hills or woods, some nearer, some farther off: so that the return from the farther, being last created, will be likewise last heard.

247. As the voice goeth round, as well towards the back, as towards the front of him that speaketh; so likewise doth the echo: for you have many back echos to the place where you stand.

248. To make an echo that will report three, or four, or five words distinctly, it is requisite that the body repercussing be a good distance off: for if it be near, and yet not so near as to make a concurrent echo, it choppeth with you upon the sudden. It is requisite likewise that the air be not much pent: for air at a great distance pent, worketh the same effect with air at large in a small distance. And therefore in the trial of speaking in the well, though the well was deep, the voice came back suddenly, and would bear the report but of two words.

249. For echos upon echos, there is a rare instance thereof in a place which I will now exactly describe. It is some three or four miles from Paris, near a town called Pont-Charenton: and some bird-bolt shot or more from the river of Sein. The room is a chapel or small church. The walls all standing, both at the sides and at the ends. Two rows of pillars, after the manner of aisles of churches, also standing; the roof all open, not so much as any embowment near any of the walls left. There was against every pillar a stack of billets above a man's height; which the watermen that bring wood down the Sein in stacks, and not in boats, laid there, as it seemeth, for their ease. Speaking at the one end, I did hear it return the voice thirteen several times; and I have heard of others, that it would return sixteen times: for I was there about three of the clock in the afternoon: and it is best, as all other echos are, in the evening. It is manifest that it is not echos from several places, but a tossing of the voice, as a ball, to and fro; like to reflections in looking-glasses, where if you place one glass before and another behind, you shall see the glass behind with the image, within the glass before; and again, the glass before in that; and divers such super-reflections, till the species speciei at last die. For it is every return weaker and more shady. In like manner the voice in that chapel createth speciem speciei, and maketh succeeding super-reflexions; for it melteth by degrees, and every reflexion is weaker than the former: so that if you speak three words, it will, perhaps, some three times report you the whole three words; and then the two latter

words for some times; and then the last word alone for some times; still fading and growing weaker. And whereas in echos of one return, it is much to hear four or five words; in this echo of so many returns upon the matter, you hear above twenty words for three.

250. The like echo upon echo, but only with two reports, hath been observed to be, if you stand between a house and a hill, and lure towards the hill. For the house will give a back echo; one taking it from the other, and the latter the weaker.

251. There are certain letters that an echo will hardly express; as S for one, especially being principal in a word. I remember well, that when I went to the echo at Pont-Charenton, there was an old Parisian, that took it to be work of spirits, and of good spirits. For, said he, call Satan, and the echo will not deliver back the devil's name; but will say, va t'en; which is as much in French as apage, or avoid. And thereby I did hap to find, that an echo would not return S, being but a hissing and an interior sound.

252. Echos are some more sudden, and chop again as soon as the voice is delivered; as hath been partly said: others are more deliberate, that is, give more space between the voice and the echo; which is caused by the local nearness or distance: some will report a longer train of words, and some a shorter; some more loud, full as loud as the original, and sometimes more loud, and some weaker and fainter.

253. Where echos come from several parts at the same distance, they must needs make, as it were, a choir of echos, and so make the report greater, and even a continued echo; which you shall find in some hills that stand encompassed theatre-like.

254. It doth not yet appear that there is refraction in sounds, as well as in species visible. For I do not think, that if a sound should pass through divers mediums, as air, cloth, wood, it would deliver the sound in a different place from that unto which it is deferred; which is the proper effect of refraction. But majoration, which is also the work of refraction, appeareth plainly in sounds, as hath been handled at full, but it is not by diversity of mediums.

Experiments in consort touching the consent and dissent between visibles and audibles.

We have obiter, for demonstration's sake, used in divers instances the examples of the sight and things visible, to illustrate the nature of sounds: but we think good now to prosecute that comparison more fully.

Consent of visibles and audibles.

255. Both of them spread themselves in round, and fill a whole floor or orb unto certain limits; and are carried a great way: and do languish and lessen by degrees, according to the distance of the objects from the sensories.

256. Both of them have the whole species in every small portion of the air, or medium, so as the species do pass through small crannies without confusion: as we see ordinarily in levels, as to the eye; and in crannies or chinks, as to the sound.

257. Both of them are of a sudden and easy generation and delation; and likewise perish swiftly and suddenly; as if you remove the light, or touch the bodies that give the sound.

258. Both of them do receive and carry exquisite and accurate differences; as of colours, figures, motions, distances, in visibles; and of articulate voices, tones, songs, and quaverings, in audibles.

259. Both of them, in their virtue and working, do not appear to emit any corporal substance into their mediums, or the orb of their virtue; neither again to raise or stir any evident local motion in their mediums as they pass; but only to carry certain spiritual species; the perfect knowledge of the cause whereof, being hitherto scarcely attained, we shall search and handle in due place.

260. Both of them seem not to generate or produce any other effect in nature, but such as appertaineth to their proper objects and senses, and are otherwise barren.

261. But both of them, in their own proper action, do work three manifest effects. The first, in that the stronger species drowneth the lesser; as the light of the sun, the light of a glow-worm; the report of an ordnance, the voice: the second, in that an object of surcharge or excess destroyeth the sense; as the light of the sun, the eye; a violent sound near the ear, the hearing: the third, in that both of them will be reverberate; as in mirrors, and in echos.

262. Neither of them doth destroy or hinder the species of the other, although they encounter in the same medium; as light or colour hinder not sound, nor e contra.

263. Both of them affect the sense in living creatures, and yield objects of pleasure and dislike: yet nevertheless the objects of them do also, if it be well observed, affect and work upon dead things; namely, such as have some conformity with the organs of the two senses; as visibles work upon a looking-glass, which is like the pupil of the eye; and audibles upon the places of echo, which resemble in some sort the cavern and structure of the ear.

264. Both of them do diversly work, as they have their medium diversly disposed. So a trembling medium, as smoke, maketh the object seem to tremble, and a rising or falling medium, as winds, maketh the sounds to rise or fall.

265. To both, the medium, which is the most propitious and conducible, is air; for glass or water, &c. are not comparable.

266. In both of them, where the object is fine and accurate, it conduceth much to have the sense intentive and erect; insomuch as you contract your eye when you would see sharply; and erect your ear when you would hear attentively; which in beasts that have ears movable is most manifest.

267. The beams of light, when they are multiplied and conglomerate, generate heat; which is a different action from the action of sight: and the multiplication and conglomeration of sounds doth

generate an extreme rarefaction of the air; which is an action materiate, differing from the action of sound; if it be true, which is anciently reported, that birds with great shouts have fallen down.

Dissents of visibles and audibles.

268. The species of visibles seem to be emissions of beams from the objects seen, almost like odours, save that they are more incorporeal: but the species of audibles seem to participate more with local motion, like percussions, or impressions made upon the air. So that whereas all bodies do seem to work in two manners, either by the communication of their natures, or by the impressions and signatures of their motions; the diffusion of species visible seemeth to participate more of the former operation, and the species audible of the latter.

269. The species of audibles seem to be carried more manifestly through the air than the species of visibles; for I conceive that a contrary strong wind will not much hinder the sight of visibles, as it will do the hearing of sounds.

270. There is one difference above all others between visibles and audibles, that is the most remarkable, as that whereupon many smaller differences depend: namely, that visibles, except lights, are carried in right lines, and audibles in arcuate lines. Hence it cometh to pass, that visibles do not intermingle and confound one another, as hath been said before; but sounds do. Hence it cometh, that the solidity of bodies doth not much hinder the sight, so that the bodies be clear, and the pores in a right line, as in glass, crystal, diamonds, water, &c. but a thin scarf or handkerchief, though they be bodies nothing so solid, hinder the sight: whereas contrariwise, these porous bodies do not much hinder the hearing, but solid bodies do almost stop it, or at the least attenuate it. Hence also it cometh, that to the reflexion of visibles small glasses suffice; but to the reverberation of audibles are required greater spaces, as hath likewise been said before.

271. Visibles are seen farther off than sounds are heard; allowing nevertheless the rate of their bigness; for otherwise a great sound will be heard farther off than a small body seen.

272. Visibles require, generally, some distance between the object and the eye, to be better seen; whereas in audibles, the nearer the approach of the sound is to the sense, the better. But in this there may be a double error. The one, because to seeing there is required light; and any thing that touchetth the pupil of the eye all over excludeth the light. For I have heard of a person very credible, who himself was cured of a cataract in one of his eyes, that while the silver needle did work upon the sight of his eye, to remove the film of the cataract, he never saw any thing more clear or perfect than that white needle: which, no doubt, was, because the needle was lesser than the pupil of the eye, and so took not the light from it. The other error may be, for that the object of sight doth strike upon the pupil of the eye directly without any interception; whereas the cave of the ear doth hold off the sound a little from the organ: and so nevertheless there is some distance required in both.

273. Visibles are swiftlier carried to the sense than audibles; as appeareth in thunder and lightning, flame and report of a piece, motion of the air in hewing of wood. All which have been set down heretofore, but are proper for this title.

274. I conceive also, that the species of audibles do hang longer in the air than those of visibles: for although even those of visibles do hang some time, as we see in rings turned, that show like spheres; in lutestrings filliped; a fire-brand carried along, which leaveth a train of light behind it; and in the twilight; and the like: yet I conceive that sounds stay longer, because they are carried up and down with the wind; and because of the distance of the time in ordnance discharged, and heard twenty miles off.

275. In visibles there are not found objects so odious and ingrate to the sense as in audibles. For foul sights do rather displease, in that they excite the memory of foul things, than in the immediate objects. And therefore in pictures, those foul sights do not much offend; but in audibles, the grating of a saw, when it is sharpened, doth offend so much, as it setteth the teeth on edge. And any of the harsh discords in music the air doth straightways refuse.

276. In visibles, after great light, if you come suddenly into the dark, or contrariwise, out of the dark into a glaring light, the eye is dazzled for a time, and the sight confused; but whether any such effect be after great sounds, or after a deep silence, may be better inquired. It is an old tradition, that those that dwell near the cataracts of Nilus, are strucken deaf: but we find no such effect in cannoniers, nor millers, nor those that dwell upon bridges.

277. It seemeth that the impression of colour is so weak, as it worketh not but by a cone of direct beams, or right lines, whereof the basis is in the object, and the vertical point in the eye; so as there is a corradiation and conjunction of beams: and those beams so sent forth, yet are not of any force to beget the like borrowed or second beams, except it be by reflexion, whereof we speak not. For the beams pass, and give little tincture to that air which is adjacent; which if they did, we should see colours out of a right line. But as this is in colours, so otherwise it is in the body of light. For when there is a skreen between the candle and the eye, yet the light passeth to the paper whereon one writeth; so that the light is seen where the body of the flame is not seen, and where any colour, if it were placed where the body of the flame is, would not be seen. I judge that sound is of this latter nature; for when two are placed on both sides of a wall, and the voice is heard, I judge it is not only the original sound which passeth in an arched line; but the sound which passeth above the wall in a right line, begetteth the like motion round about it as the first did, though more weak.

Experiments in consort touching the sympathy or antipathy of sounds one with another.

278. All concords and discords of music are, no

doubt, sympathies and antipathies of sounds. And so, likewise, in that music which we call broken music, or consort music, some consorts of instruments are sweeter than others, a thing not sufficiently yet observed: as the Irish harp and base viol agree well: the recorder and stringed music agree well: organs and the voice agree well, &c. But the virginals and the lute; or the Welsh harp and Irish harp; or the voice and pipes alone, agree not so well: but for the melioration of music, there is yet much left, in this point of exquisite consorts, to try and inquire.

279. There is a common observation, that if a lute or viol be laid upon the back, with a small straw upon one of the strings; and another lute or viol be laid by it; and in the other lute or viol the unison to that string be strucken, it will make the string move; which will appear both to the eye, and by the straw's falling off. The like will be, if the diapason or eighth to that string be strucken, either in the same lute or viol, or in others lying by: but in none of these there is any report of sound that can be discerned, but only motion.

280. It was devised, that a viol should have a lay of wire-strings below, as close to the belly as a lute; and then the strings of guts mounted upon a bridge as in ordinary viols; to the end that by this means the upper strings strucken should make the lower resound by sympathy, and so make the music the better; which if it be to purpose, then sympathy worketh as well by report of sound as by motion. But this device I conceive to be of no use, because the upper strings, which are stopped in great variety, cannot maintain a diapason or unison with the lower, which are never stopped. But if it should be of use at all, it must be in instruments which have no stops, as virginals and harps; wherein trial may be made of two rows of strings, distant the one from the other.

281. The experiment of sympathy may be transferred, perhaps, from instruments of strings to other instruments of sound. As to try, if there were in one steeple two bells of unison, whether the striking of the one would move the other, more than if it were another accord: and so in pipes, if they be of equal bore and sound, whether a little straw or feather would move in the one pipe, when the other is blown at an unison.

282. It seemeth, both in ear and eye, the instrument of sense hath a sympathy or similitude with that which giveth the reflexion, as hath been touched before: for as the sight of the eye is like a crystal, or glass, or water; so is the ear a sinuous cave, with a hard bone to stop and reverberate the sound: which is like to the places that report echos.

Experiments in consort touching the hindering or helping of the hearing.

283. When a man yawneth, he cannot hear so well. The cause is, for that the membrane of the ear is extended; and so rather casteth off the sound than draweth it to.

284. We hear better when we hold our breath than contrary: insomuch as in all listening to attain a sound afar off men hold their breath. The cau is, for that in all expiration the motion is outward and therefore rather driveth away the voice th draweth it: and besides we see, that in all labour do things with any strength, we hold the breat and listening after any sound that is heard with d ficulty, is a kind of labour.

285. Let it be tried, for the help of the hearin and I conceive it likely to succeed, to make an i strument like a tunnel; the narrow part where may be of the bigness of the hole of the ear; a the broader end much larger, like a bell at t skirts; and the length half a foot or more. And the narrow end of it be set close to the ear: a mark whether any sound, abroad in the open a will not be heard distinctly from farther distan than without that instrument; being, as it were, ear-spectacle. And I have heard there is in Spa an instrument in use to be set to the ear, that hel eth somewhat those that are thick of hearing.

286. If the mouth be shut close, neverthele there is yielded by the roof of the mouth a murmu such as is used by dumb men. But if the nostr be likewise stopped, no such murmur can be mad except it be in the bottom of the palate towards t throat. Whereby it appeareth manifestly that sound in the mouth, except such as aforesaid, if t mouth be stopped, passeth from the palate throu the nostrils.

Experiments in consort touching the spiritual an fine nature of sounds.

287. The repercussion of sounds, which we c echo, is a great argument of the spiritual essence sounds. For if it were corporeal, the repercussi should be created in the same manner, and by li instruments, with the original sound: but we s what a number of exquisite instruments must co cur in speaking of words, whereof there is no su matter in the returning of them, but only a pla stop and repercussion.

288. The exquisite differences of articul sounds, carried along in the air, show that th cannot be signatures or impressions in the air. hath been well refuted by the ancients. For it true, that seals make excellent impressions; and it may be thought of sounds in their first gener tion: but then the delation and continuance of the without any new sealing, show apparently they ca not be impressions.

289. All sounds are suddenly made, and do su denly perish: but neither that, nor the exquisite di ferences of them, is matter of so great admiratio for the quaverings and warblings in lutes and pip are as swift; and the tongue, which is no very fi instrument, doth in speech make no fewer motio than there be letters in all the words which a uttered. But that sounds should not only be speedily generated, but carried so far every way such a momentary time, deserveth more admiratio As for example, if a man stand in the middle of field and speak aloud, he shall be heard a furlong round; and that shall be in articulate sounds; an those shall be entire in every little portion of the air

and this shall be done in the space of less than a minute.

290. The sudden generation and perishing of sounds, must be one of these two ways. Either that the air suffereth some force by sound, and then restoreth itself, as water doth; which being divided maketh many circles, till it restore itself to the natural consistence: or otherwise, that the air doth willingly imbibe the sound as grateful, but cannot maintain it; for that the air hath, as it should seem, a secret and hidden appetite of receiving the sound at the first; but then other gross and more materiate qualities of the air straightways suffocate it; like unto flame, which is generated with alacrity, but straight quenched by the enmity of the air or other ambient bodies.

There be these differences in general, by which sounds are divided: 1. Musical, immusical. 2. Treble, base. 3. Flat, sharp. 4. Soft, loud. 5. Exterior, interior. 6. Clean, harsh, or purling. 7. Articulate, inarticulate.

We have laboured, as may appear, in this inquisition of sounds diligently; both because sound is one of the most hidden portions of nature, as we said in the beginning, and because it is a virtue which may be called incorporeal and immateriate; whereof there be in nature but few. Besides, we were willing, now in these our first centuries, to make a pattern or precedent of an exact inquisition; and we shall do the like hereafter in some other subjects which require it. For we desire that men should learn and perceive, how severe a thing the true inquisition of nature is; and should accustom themselves by the light of particulars to enlarge their minds to the amplitude of the world, and not reduce the world to the narrowness of their minds.

Experiment solitary touching the orient colours in dissolution of metals.

291. Metals give orient and fine colours in dissolutions; as gold giveth an excellent yellow; quicksilver an excellent green; tin giveth an excellent azure: likewise in their putrefactions or rusts; as vermilion, verdigrease, bise, cirrus, &c. and likewise in their vitrifactions. The cause is, for that of their strength of body they are able to endure the fire or strong waters, and to be put into an equal posture; and again to retain a part of their principal spirit: which two things, equal posture and quick spirits, are required chiefly to make colours lightsome.

Experiment solitary touching prolongation of life.

292. It conduceth unto long life, and to the more placid motion of the spirits, which thereby do less prey and consume the juice of the body, either that men's actions be free and voluntary, that nothing be done invita Minerva, but secundum genium; or on the other side, that the actions of men be full of regulation and commands within themselves: for then the victory and performing of the command giveth a good disposition to the spirits; especially if there be a proceeding from degree to degree; for then the sense of the victory is the greater. An example of the former of these is in a country life; and of the latter in monks and philosophers, and such as do continually enjoin themselves.

Experiment solitary touching appetite of union in bodies.

293. It is certain that in all bodies there is an appetite of union, and evitation of solution of continuity: and of this appetite there be many degrees; but the most remarkable and fit to be distinguished are three. The first in liquors; the second in hard bodies; and the third in bodies cleaving or tenacious. In liquors this appetite is weak: we see in liquors, the threading of them in stillicides, as hath been said; the falling of them in round drops, which is the form of union; and the staying of them for a little time in bubbles and froth. In the second degree or kind, this appetite is strong; as in iron, in stone, in wood, &c. In the third, this appetite is in a medium between the other two: for such bodies do partly follow the touch of another body, and partly stick and continue to themselves; and therefore they rope, and draw themselves in threads; as we see in pitch, glue, bird-lime, &c. But note, that all solid bodies are cleaving more or less: and that they love better the touch of somewhat that is tangible, than of air. For water in small quantity cleaveth to any thing that is solid: and so would metal too, if the weight drew it not off. And therefore gold foliate, or any metal foliate, cleaveth: but those bodies which are noted to be clammy and cleaving, are such as have a more indifferent appetite at once to follow another body, and to hold to themselves. And therefore they are commonly bodies ill mixed; and which take more pleasure in a foreign body, than in preserving their own consistence; and which have little predominance in drought or moisture.

Experiments solitary touching the like operations of heat and time.

294. Time and heat are fellows in many effects. Heat drieth bodies that do easily expire; as parchment, leaves, roots, clay, &c. And so doth time or age arefy; as in the same bodies, &c. Heat dissolveth and melteth bodies that keep in their spirits; as in divers liquefactions: and so doth time in some bodies of a softer consistence, as is manifest in honey, which by age waxeth more liquid, and the like in sugar; and so in old oil, which is ever more clear and more hot in medicinable use. Heat causeth the spirits to search some issue out of the body; as in the volatility of metals; and so doth time; as in the rust of metals. But generally heat doth that in small time which age doth in long.

Experiment solitary touching the differing operations of fire and time.

295. Some things which pass the fire are softest at first, and by time grow hard, as the crumb of bread. Some are harder when they come from the fire, and afterwards give again, and grow soft, as the crust of bread, bisket, sweetmeats, salt, &c. The cause is, for that in those things which wax hard

with time, the work of the fire is a kind of melting; and in those that wax soft with time, contrariwise, the work of the fire is a kind of baking; and whatsoever the fire baketh, time doth in some degree dissolve.

Experiment solitary touching motions by imitation.

296. Motions pass from one man to another, not so much by exciting imagination as by invitation; especially if there be an aptness or inclination before. Therefore gaping, or yawning, and stretching do pass from man to man; for that that causeth gaping and stretching is, when the spirits are a little heavy by any vapour, or the like. For then they strive, as it were, to wring out and expel that which loadeth them. So men drowsy, and desirous to sleep, or before the fit of an ague, do use to yawn and stretch; and do likewise yield a voice or sound, which is an interjection of expulsion; so that if another be apt and prepared to do the like, he followeth by the sight of another. So the laughing of another maketh to laugh.

Experiment solitary touching infectious diseases.

297. There be some known diseases that are infectious; and others that are not. Those that are infectious are, first, such as are chiefly in the spirits, and not so much in the humours; and therefore pass easily from body to body; such are pestilences, lippitudes, and such like. Secondly, such as taint the breath, which we see passeth manifestly from man to man; and not invisibly, as the effects of the spirits do; such are consumptions of the lungs, &c. Thirdly, such as come forth to the skin, and therefore taint the air or the body adjacent; especially if they consist in an unctuous substance not apt to dissipate; such are scabs and leprosy. Fourthly, such as are merely in the humours, and not in the spirits, breath, or exhalations; and therefore they never infect but by touch only; and such a touch also as cometh within the epidermis; as the venom of the French pox, and the biting of a mad dog.

Experiment solitary touching the incorporation of powders and liquors.

298. Most powders grow more close and coherent by mixture of water, than by mixture of oil, though oil be the thicker body; as meal, &c. The reason is the congruity of bodies; which if it be more, maketh a perfecter imbibition and incorporation; which in most powders is more between them and water, than between them and oil; but painters' colours ground, and ashes, do better incorporate with oil.

Experiment solitary touching exercise of the body.

299. Much motion and exercise is good for some bodies; and sitting and less motion for others. If the body be hot and void of superfluous moistures, too much motion hurteth: and it is an error in physicians, to call too much upon exercise. Likewise men ought to beware, that they use not exercise and a spare diet both; but if much exercise, then a plentiful diet; and if sparing diet, then little exercise. The benefits that come of exercise are, first, that it sendeth nourishment into the parts more forcibly. Secondly, that it helpeth to excern by sweat, and so maketh the parts assimilate the more perfectly. Thirdly, that it maketh the substance of the body more solid and compact; and so less apt to be consumed and depredated by the spirits. The evils that come of exercise are, first, that it maketh the spirits more hot and predatory. Secondly, that it doth absorb likewise, and attenuate too much the moisture of the body. Thirdly, that it maketh too great concussion, especially if it be violent, of the inward parts, which delight more in rest. But generally exercise, if it be much, is no friend to prolongation of life; which is one cause why women live longer than men, because they stir less.

Experiment solitary touching meats that induce satiety.

300. Some food we may use long, and much, without glutting; as bread, flesh that is not fat or rank, &c. Some other, though pleasant, glutteth sooner; as sweet-meats, fat meats, &c. The cause is, for that appetite consisteth in the emptiness of the mouth of the stomach; or possessing it with somewhat that is astringent; and therefore cold and dry. But things that are sweet and fat are more filling; and do swing and hang more about the mouth of the stomach; and go not down so speedily: and again turn sooner to choler, which is hot, and ever abateth the appetite. We see also that another cause of satiety is an over-custom; and of appetite is novelty; and therefore meats if the same be continually taken, induce loathing. To give the reason of the distaste of satiety, and of the pleasure in novelty; and to distinguish not only the meats and drinks, but also in motions, loves, company, delights, studies, what they be that custom maketh more grateful, and what more tedious, were a large field. But for meats, the cause is attraction, which is quicker, and more excited towards that which is new, than towards that whereof there remaineth a relish by former use. And, generally, it is a rule, that whatsoever is somewhat ingrate at first, is made grateful by custom; but whatsoever is too pleasing at first, groweth quickly to satiate.

CENTURY IV.

Experiments in consort touching the clarification of liquors, and the accelerating thereof.

ACCELERATION of time, in works of nature, may well be esteemed inter magnalia naturæ. And even in divine miracles, accelerating of the time is next to the creating of the matter. We will now therefore proceed to the inquiry of it: and for acceleration of germination, we will refer it over unto the place where we shall handle the subject of plants generally; and will now begin with other accelerations.

301. Liquors are, many of them, at the first thick and troubled; as muste, wort, juices of fruits, or herbs expressed, &c. and by time they settle and clarify. But to make them clear before the time is a great work; for it is a spur to nature, and putteth her out of her pace; and, besides, it is of good use for making drinks and sauces potable and serviceable speedily. But to know the means of accelerating clarification, we must first know the causes of clarification. The first cause is, by the separation of the grosser parts of the liquor from the finer. The second, by the equal distribution of the spirits of the liquor with the tangible parts: for that ever representeth bodies clear and untroubled. The third by the refining the spirit itself, which thereby giveth to the liquor more splendour and more lustre.

302. First, for separation, it is wrought by weight, as in the ordinary residence or settlement of liquors; by heat, by motion, by precipitation, or sublimation, that is, a calling of the several parts either up or down, which is a kind of attraction; by adhesion, as when a body more viscous is mingled and agitated with the liquor, which viscous body, afterwards severed, draweth with it the grosser parts of the liquor; and lastly, by percolation or passage.

303. Secondly, for the even distribution of the spirits, it is wrought by gentle heat; and by agitation or motion, for of time we speak not, because it is that we would anticipate and represent; and it is wrought also by mixture of some other body which hath a virtue to open the liquor, and to make the spirits the better pass through.

304. Thirdly, for the refining of the spirit, it is wrought likewise by heat; by motion; and by mixture of some body which hath virtue to attenuate. So therefore, having shown the causes, for the accelerating of clarification in general, and the inducing of it, take these instances and trials.

305. It is in common practice to draw wine or beer from the lees, which we call racking, whereby it will clarify much the sooner; for the lees, though they keep the drink in heart, and make it lasting, yet withal they cast up some spissitude: and this instance is to be referred to separation.

306. On the other side it were good to try, what the adding to the liquor more lees than his own will work; for though the lees do make the liquor turbid, yet they refine the spirits. Take therefore a vessel of new beer, and take another vessel of new beer, and rack the one vessel from the lees, and pour the lees of the racked vessel into the unracked vessel, and see the effect: this instance is referred to the refining of the spirits.

307. Take new beer, and put in some quantity of stale beer into it, and see whether it will not accelerate the clarification, by opening the body of the beer, and cutting the grosser parts, whereby they may fall down into lees. And this instance again is referred to separation.

308. The longer malt or herbs, or the like, are infused in liquor, the more thick and troubled the liquor is; but the longer they be decocted in the liquor, the clearer it is. The reason is plain, because in infusion, the longer it is, the greater is the part of the gross body that goeth into the liquor: but in decoction, though more goeth forth, yet it either purgeth at the top, or settleth at the bottom. And therefore the most exact way to clarify is, first, to infuse, and then to take off the liquor and decoct it; as they do in beer, which hath malt first infused in the liquor, and is afterwards boiled with the hop. This also is referred to separation.

309. Take hot embers, and put them about a bottle filled with new beer, almost to the very neck; let the bottle be well stopped, lest it fly out: and continue it, renewing the embers every day, by the space of ten days; and then compare it with another bottle of the same beer set by. Take also lime both quenched and unquenched, and set the bottles in them, ut supra. This instance is referred both to the even distribution, and also to the refining of the spirits by heat.

310. Take bottles, and swing them, or carry them in a wheel-barrow upon rough ground twice in a day; but then you may not fill the bottles full, but leave some air; for if the liquor come close to the stopple, it cannot play nor flower: and when you have shaken them well either way, pour the drink into another bottle stopped close after the usual manner; for if it stay with much air in it, the drink will pall; neither will it settle so perfectly in all the parts. Let it stand some twenty-four hours: then take it, and put it again into a bottle with air, ut supra: and thence into a bottle stopped, ut supra: and so repeat the same operation for seven days. Note, that in the emptying of one bottle into another, you must do it swiftly lest the drink pall. It were good also to try it in a bottle with a little air below the neck, without emptying. This instance is referred to the even distribution and refining of the spirits by motion.

311. As for percolation inward and outward, which belongeth to separation, trial would be made of clarifying by adhesion, with milk put into new beer, and stirred with it: for it may be that the

grosser part of the beer will cleave to the milk: the doubt is, whether the milk will sever well again; which is soon tried. And it is usual in clarifying hippocras to put in milk; which after severeth and carrieth with it the grosser parts of the hippocras, as hath been said elsewhere. Also for the better clarification by percolation, when they tun new beer, they use to let it pass through a strainer; and it is like the finer the strainer is, the clearer it will be.

Experiments in consort touching maturation, and the accelerating thereof. And first, touching the maturation and quickening of drinks. And next, touching the maturation of fruits.

The accelerating of maturation we will now inquire of. And of maturation itself. It is of three natures. The maturation of fruits: the maturation of drinks: and the maturation of imposthumes and ulcers. This last we refer to another place, where we shall handle experiments medicinal. There be also other maturations, as of metals, &c. whereof we will speak as occasion serveth. But we will begin with that of drinks, because it hath such affinity with the clarification of liquors.

312. For the maturation of drinks, it is wrought by the congregation of the spirits together, whereby they digest more perfectly the grosser parts: and it is effected partly by the same means that clarification is, whereof we spake before; but then note, that an extreme clarification doth spread the spirits so smooth, as they become dull, and the drink dead, which ought to have a little flowering. And therefore all your clear amber drink is flat.

313. We see the degrees of maturation of drinks; in muste, in wine, as it is drunk, and in vinegar. Whereof muste hath not the spirits well congregated; wine hath them well united, so as they make the parts somewhat more oily; vinegar hath them congregated, but more jejune, and in smaller quantity, the greatest and finest spirit and part being exhaled: for we see vinegar is made by setting the vessel of wine against the hot sun; and therefore vinegar will not burn; for that much of the finer parts is exhaled.

314. The refreshing and quickening of drink palled or dead, is by enforcing the motion of the spirit: so we see that open weather relaxeth the spirit, and maketh it more lively in motion. We see also bottling of beer or ale, while it is new and full of spirit, so that it spirteth when the stopple is taken forth, maketh the drink more quick and windy. A pan of coles in the cellar doth likewise good, and maketh the drink work again. New drink put to drink that is dead provoketh it to work again: nay, which is more, as some affirm, a brewing of new beer set by old beer, maketh it work again. It were good also to enforce the spirits by some mixtures, that may excite and quicken them; as by putting into the bottles, nitre, chalk, lime, &c. We see cream is matured, and made to rise more speedily by putting in cold water; which, as it seemeth, getteth down the whey.

315. It is tried, that the burying of bottles of drink well stopped, either in dry earth a good depth; or in the bottom of a well within water; and b of all, the hanging of them in a deep well somewh above the water for some fortnight's space, is excellent means of making drink fresh and quic for the cold doth not cause any exhaling of t spirits at all, as heat doth, though it rarifieth t rest that remain: but cold maketh the spirits vig ous, and irritateth them, whereby they incorpor the parts of the liquor perfectly.

316. As for the maturation of fruits; it wrought by the calling forth of the spirits of t body outward, and so spreading them more smooth and likewise by digesting in some degree the gros parts; and this is effected by heat, motion, attr tion; and by a rudiment of putrefaction: for inception of putrefaction hath in it a maturation.

317. There were taken apples, and laid in stra in hay; in flour; in chalk; in lime; covered o with onions; covered over with crabs; closed up wax; shut in a box, &c. There was also an ap hanged up in smoke; of all which the experim sorted in this manner.

318. After a month's space, the apple enclo in wax was as green and fresh as at the first putti in, and the kernels continued white. The cause for that all exclusion of open air, which is e predatory, maintaineth the body in its first freshn and moisture: but the inconvenience is, that tasteth a little of the wax; which I suppose, i pomegranate, or some such thick-coated fruit, would not do.

319. The apple hanged in the smoke, turned li an old mellow apple, wrinkled, dry, soft, sweet, y low within. The cause is, for that such a deg of heat, which doth neither melt nor scorch, (t we see that in a great heat, a roast apple softene and melteth; and pigs' feet, made of quarters wardens, scorch and have a skin of cole,) doth m low, and not adure: the smoke also maketh t apple, as it were, sprinkled with soot, which helpe to mature. We see that in drying of pears a prunes in the oven, and removing of them often they begin to sweat, there is a like operation; b that is with a far more intense degree of heat.

320. The apples covered in the lime and ash were well matured; as appeared both in their ye lowness and sweetness. The cause is, for that th degree of heat which is in lime and ashes, being smothering heat, is of all the rest most proper, f it doth neither liquefy nor arefy; and that is tru maturation. Note, that the taste of those appl was good; and therefore it is the experiment fitte for use.

321. The apples covered with crabs and onio were likewise well matured. The cause is, not a heat; but for that the crabs and the onions dra forth the spirits of the apple, and spread the equally throughout the body; which taketh aw hardness. So we see one apple ripeneth again another. And therefore in making of cider the turn the apples first upon a heap. So one clust of grapes that toucheth another whilst it gro eth, ripeneth faster; "botrus contra botrum citi maturescit."

322. The apples in hay and the straw ripened rently, though not so much as the others; but apple in the straw more. The cause is, for that hay and straw have a very low degree of heat, yet close and smothering, and which drieth not.

323. The apple in the close box was ripened also: cause is, for that all air kept close hath a de- of warmth: as we see in wool, fur, plush, &c. e, that all these were compared with another of the same kind, that lay of itself: and in parison of that were more sweet and more w, and so appeared to be more ripe.

324. Take an apple, or pear, or other like fruit, roll it upon a table hard: we see in common rience, that the rolling doth soften and sweeten fruit presently; which is nothing but the smooth lution of the spirits into the parts: for the al distribution of the spirits maketh the harsh- : but this hard rolling is between concoction, a simple maturation; therefore, if you should them but gently, perhaps twice a day; and con- it some seven days, it is like they would ma- more finely, and like unto the natural maturation.

325. Take an apple, and cut out a piece of the and cover it, to see whether that solution of tinity will not hasten a maturation: we see that e a wasp, or a fly, or a worm hath bitten, in a r, or any fruit, it will sweeten hastily.

326. Take an apple, &c. and prick it with a pin of holes, not deep, and smear it a little with , or cinnamon water, or spirit of wine, every for ten days, to see if the virtual heat of the or strong waters will not mature it.

these trials also, as was used in the first, set er of the same fruits by, to compare them; try them by their yellowness and by their ness.

Experiment solitary touching the making of gold.

The world hath been much abused by the opinion making of gold: the work itself I judge to be sible; but the means, hitherto propounded, to it, are in the practice, full of error and im- re, and in the theory, full of unsound imagina- For to say, that nature hath an intention to all metals gold; and that, if she were delivered impediments, she would perform her own : and that, if the crudities, impurities, and le- nes of metals were cured, they would become ; and that a little quantity of the medicine, in work of projection, will turn a sea of the baser into gold by multiplying: all these are but ms; and so are many other grounds of alchemy. to help the matter, the alchemists call in like- many vanities out of astrology, natural magic, ersitious interpretations of Scriptures, auricular itions, feigned testimonies of ancient authors, the like. It is true, on the other side, they have ught to light not a few profitable experiments, thereby made the world some amends. But we, en we shall come to handle the version and trans- ation of bodies, and the experiments concerning tals and minerals, will lay open the true ways passages of nature, which may lead to this great effect. And we commend the wit of the Chinese, who despair of making of gold, but are mad upon the making of silver: for certain it is, that it is more difficult to make gold, which is the most ponderous and materiate amongst metals, of other metals less ponderous and less materiate, than via versa, to make silver of lead or quicksilver; both which are more ponderous than silver; so that they need rather a farther degree of fixation, than any condensation. In the mean time, by occasion of handling the axioms touching maturation we will direct a trial touching the maturing of metals, and thereby turning some of them into gold: for we conceive indeed that a perfect good concoction, or digestion, or maturation of some metals, will produce gold. And here we call to mind, that we knew a Dutchman, that had wrought himself into the belief of a great person, by undertaking that he could make gold: whose discourse was, that gold might be made; but that the alchemists over-fired the work: for, he said, the making of gold did require a very temperate heat, as being in nature a subterrany work, where little heat cometh; but yet more to the making of gold than of any other metal; and therefore that he would do it with a great lamp that should carry a temperate and equal heat: and that it was the work of many months. The device of the lamp was folly; but the over-firing now used, and the equal heat to be required, and the making it a work of some good time, are no ill discourses.

We resort therefore to our axioms of maturation, in effect touched before. The first is, that there be used a temperate heat; for they are ever temperate heats that digest and mature: wherein we mean temperate according to the nature of the subject; for that may be temperate to fruits and liquors, which will not work at all upon metals. The second is, that the spirit of the metal be quickened, and the tangible parts opened: for without those two operations, the spirit of the metal wrought upon will not be able to digest the parts. The third is, that the spirits do spread themselves even, and move not subsultorily; for that will make the parts close and pliant. And this requireth a heat that doth not rise and fall, but continue as equal as may be. The fourth is, that no part of the spirit be emitted, but detained: for if there be emission of spirit, the body of the metal will be hard and churlish. And this will be performed, partly by the temper of the fire, and partly by the closeness of the vessel. The fifth is, that there be choice made of the likeliest and best prepared metal for the version; for that will facilitate the work. The sixth is, that you give time enough for the work; not to prolong hopes, as the alchemists do, but indeed to give nature a convenient space to work in. These principles are most certain and true; we will now derive a direction of trial out of them, which may, perhaps, by farther meditation be improved.

327. Let there be a small furnace made of a temperate heat; let the heat be such as may keep the metal perpetually molten, and no more; for that above all importeth to the work. For the material, take silver, which is the metal that in nature sym-

bolizeth most with gold; put in also with the silver, a tenth part of quicksilver, and a twelfth part of nitre, by weight: both these to quicken and open the body of the metal: and so let the work be continued by the space of six months at the least. I wish also, that there be at some times an injection of some oiled substance; such as they use in the recovering of gold, which by vexing with separations hath been made churlish: and this is to lay the parts more close and smooth, which is the main work. For gold, as we see, is the closest and therefore the heaviest, of metals; and is likewise the most flexible and tensible. Note, that to think to make gold of quicksilver, because it is the heaviest, is a thing not to be hoped; for quicksilver will not endure the manage of the fire. Next to silver, I think copper were fittest to be the material.

Experiment solitary touching the nature of gold.

328. Gold hath these natures; greatness of weight; closeness of parts; fixation; pliantness, or softness; immunity from rust; colour or tincture of yellow. Therefore the sure way, though most about, to make gold, is to know the causes of the several natures before rehearsed, and the axioms concerning the same. For if a man can make a metal that hath all these properties, let men dispute whether it be gold or no.

Experiments in consort touching the inducing and accelerating of putrefaction.

The inducing and accelerating of putrefaction, is a subject of a very universal inquiry: for corruption is a reciprocal to generation: and they two are as nature's two terms or boundaries; and the guides to life and death. Putrefaction is the work of the spirits of bodies, which ever are unquiet to get forth and congregate with the air, and to enjoy the sunbeams. The getting forth, or spreading of the spirits, which is a degree of getting forth, hath five differing operations. If the spirits be detained within the body, and move more violently, there followeth colliquation, as in metals, &c. If more mildly, there followeth digestion, or maturation; as in drinks and fruits. If the spirits be not merely detained, but protrude a little, and that motion be confused and inordinate, there followeth putrefaction; which ever dissolveth the consistence of the body into much inequality; as in flesh, rotten fruits, shining wood, &c. and also in the rust of metals. But if that motion be in a certain order, there followeth vivification and figuration; as both in living creatures bred of putrefaction, and in living creatures perfect. But if the spirits issue out of the body, there followeth desiccation, induration, consumption, &c. as in brick, evaporation of bodies liquid, &c.

329. The means to induce and accelerate putrefaction, are, first, by adding some crude or watery moisture; as in wetting of any flesh, fruit, wood, with water, &c. for contrariwise unctuous and oily substances preserve.

330. The second is by invitation or excitation; as when a rotten apple lieth close to another apple that is sound; or when dung, which is a substance already putrified, is added to other bodies. And this is also notably seen in church-yards where they bury much, where the earth will consume the corpse in far shorter time than other earth will.

331. The third is by closeness and stopping, which detaineth the spirits in prison more than they would; and thereby irritateth them to seek issue; as in corn and clothes which wax musty; and therefore open air, which they call aër perflabilis, doth preserve: and this doth appear more evidently in agues, which come, most of them, of obstructions, and penning the humours, which thereupon putrify.

332. The fourth is by solution of continuity; as we see an apple will rot sooner if it be cut or pierced; and so will wood, &c. And so the flesh of creatures alive, where they have received any wound.

333. The fifth is either by the exhaling or by the driving back of the principal spirits which preserve the consistence of the body; so that when their government is dissolved, every part returneth to his nature or homogeny. And this appeareth in urine and blood when they cool, and thereby break: it appeareth also in the gangrene, or mortification of flesh, either by opiates or by intense colds. I conceive also the same effect is in pestilences; for that the malignity of the infecting vapour danceth the principal spirits, and maketh them fly and leave their regiment; and then the humours, flesh, and secondary spirits, do dissolve and break, as in an anarchy.

334. The sixth is when a foreign spirit, stronger and more eager than the spirit of the body, entereth the body; as in the stinging of serpents. And this is the cause, generally, that upon all poisons followeth swelling: and we see swelling followeth also when the spirits of the body itself congregate too much, as upon blows and bruises; or when they are pent in too much, as in swelling upon cold. And we see also, that the spirits coming of putrefaction of humours in agues, &c. which may be counted as foreign spirits, though they be bred within the body, do extinguish and suffocate the natural spirits and heat.

335. The seventh is by such a weak degree of heat, as setteth the spirits in a little motion, but is not able either to digest the parts, or to issue the spirits; as is seen in flesh kept in a room, that is not cool: whereas in a cool and wet larder it will keep longer. And we see that vivification, whereof putrefaction is the bastard brother, is effected by such soft heats; as the hatching of eggs, the heat of the womb, &c.

336. The eighth is by the releasing of the spirits, which before were close kept by the solidness of their coverture, and thereby their appetite of issuing checked; as in the artificial rusts induced by strong waters in iron, lead, &c., and therefore wetting hasteneth rust or putrefaction of any thing, because it softeneth the crust for the spirits to come forth.

337. The ninth is by the interchange of heat and cold, or wet and dry; as we see in the mouldering of earth in frosts and sun; and in the more hasty rotting of wood, that is sometimes wet, sometimes dry.

338. The tenth is by time, and the work and pro-

cedure of the spirits themselves, which cannot keep their station; especially if they be left to themselves, and there be not agitation or local motion. As we see in corn not stirred; and men's bodies not exercised.

339. All moulds are inceptions of putrefaction; as the moulds of pies and flesh; the moulds of oranges and lemons, which moulds afterwards turn into worms, or more odious putrefactions: and therefore, commonly, prove to be of ill odour. And if the body be liquid, and not apt to putrify totally, it will cast up a mother in the top, as the mothers of distilled waters.

340. Moss is a kind of mould of the earth and trees. But it may be better sorted as a rudiment of germination; to which we refer it.

Experiments in consort touching prohibiting and preventing putrefaction.

It is an inquiry of excellent use, to inquire of the means of preventing or staying putrefaction; for therein consisteth the means of conservation of bodies: for bodies have two kinds of dissolutions; the one by consumption and desiccation; the other by putrefaction. But as for the putrefactions of the bodies of men and living creatures, as in agues, worms, consumptions of the lungs, imposthumes, and ulcers both inwards and outwards, they are a great part of physic and surgery; and therefore we will reserve the inquiry of them to the proper place, where we shall handle medical experiments of all sorts. Of the rest we will now enter into an inquiry: wherein much light may be taken from that which hath been said of the means to induce or accelerate putrefactions; or the removing that which caused putrefaction, doth prevent and avoid putrefaction.

341. The first means of prohibiting or checking putrefaction, is cold: for so we see that meat and drink will last longer unputrified or unsoured, in winter than in summer: and we see that flowers and fruits, put in conservatories of snow, keep fresh. And this worketh by the detention of the spirits, and constipation of the tangible parts.

342. The second is astriction: for astriction prohibiteth dissolution: as we see generally in medicines, whereof such as are astringents do inhibit putrefaction: and by the same reason of astringency, some small quantity of oil of vitriol will keep fresh water long from putrifying. And this astriction is in a substance that hath a virtual cold: and it worketh partly by the same means that cold doth.

343. The third is the excluding of the air; and again, the exposing to the air: for these contraries, as it cometh often to pass, work the same effect, according to the nature of the subject matter. So we see, that beer or wine, in bottles close stopped, last long; that the garners under ground keep corn longer than those above ground; and that fruit closed in wax keepeth fresh; and likewise bodies put in honey and flour keep more fresh: and liquors, drinks, and juices, with a little oil cast on the top, keep fresh. Contrariwise, we see that cloth and apparel not aired do breed moths and mould; and the diversity is, that in bodies that need detention of spirits, the exclusion of the air doth good; as in drinks and corn: but in bodies that need emission of spirits to discharge some of the superfluous moisture, it doth hurt, for they require airing.

344. The fourth is motion and stirring; for putrefaction asketh rest: for the subtle motion which putrefaction requireth, is disturbed by any agitation; and all local motion keepeth bodies integral, and their parts together; as we see that turning over of corn in a garner, or letting it run like an hour-glass, from an upper-room into a lower, doth keep it sweet; and running waters putrify not: and in men's bodies, exercise hindereth putrefaction; and contrariwise, rest and want of motion, or stoppings, whereby the run of humours, or the motion of perspiration is stayed, further putrefaction; as we partly touched a little before.

345. The fifth is the breathing forth of the adventitious moisture in bodies; for as wetting doth hasten putrefaction, so convenient drying, whereby the more radical moisture is only kept in, putteth back putrefaction; so we see that herbs and flowers, if they be dried in the shade, or dried in the hot sun for a small time, keep best. For the emission of the loose and adventitious moisture doth betray the radical moisture; and carrieth it out for company.

346. The sixth is the strengthening of the spirits of bodies; for as a great heat keepeth bodies from putrefaction, but a tepid heat inclineth them to putrefaction; so a strong spirit likewise preserveth, and a weak or faint spirit disposeth to corruption. So we find that salt water corrupteth not so soon as fresh: and salting of oysters, and powdering of meat, keepeth them from putrefaction. It would be tried also, whether chalk put into water or drink, doth not preserve it from putrifying or speedy souring. So we see that strong beer will last longer than small; and all things that are hot and aromatical, do help to preserve liquors, or powders, &c. which they do as well by strengthening the spirits, as by soaking out the loose moisture.

347. The seventh is separation of the cruder parts, and thereby making the body more equal; for all imperfect mixture is apt to putrify; and watery substances are more apt to putrify than oily. So we see distilled waters will last longer than raw waters; and things that have passed the fire do last longer than those that have not passed the fire; as dried pears, &c.

348. The eighth is the drawing forth continually of that part where the putrefaction beginneth; which is commonly, the loose and watery moisture; not only for the reason before given, that it provoketh the radical moisture to come forth with it; but because being detained in the body, the putrefaction taking hold of it, infecteth the rest: as we see in the embalming of dead bodies; and the same reason is of preserving herbs, or fruits, or flowers, in bran or meal.

349. The ninth is the commixture of any thing that is more oily or sweet; for such bodies are least apt to putrify, the air working little upon them;

and they not putrifying, preserve the rest. And therefore we see syrups and ointments will last longer than juices.

350. The tenth is the commixture of somewhat that is dry; for putrefaction beginneth first from the spirits, and then from the moisture: and that that is dry is unapt to putrify: and therefore smoke preserveth flesh; as we see in bacon and neats' tongues, and Martlemas beef, &c.

351. The opinion of some of the ancients, that blown airs do preserve bodies longer than other airs, seemeth to me probable; for that the blown airs, being overcharged and compressed, will hardly receive the exhaling of any thing, but rather repulse it. It was tried in a blown bladder, whereinto flesh was put, and likewise a flower; and it sorted not: for dry bladders will not blow; and new bladders rather farther putrefaction: the way were therefore to blow strongly with a pair of bellows into a hogshead, putting into the hogshead, before, that which you would have preserved; and in the instant that you withdraw the bellows stop the hole close.

Experiment solitary touching wood shining in the dark.

352. The experiment of wood that shineth in the dark, we have diligently driven and pursued; the rather, for that of all things that give light here below, it is the most durable, and hath least apparent motion. Fire and flame are in continual expense; sugar shineth only while it is in scraping; and salt-water while it is in dashing; glow-worms have their shining while they live, or a little after; only scales of fishes putrified seem to be of the same nature with shining wood: and it is true, that all putrefaction hath with it an inward motion, as well as fire or light. The trial sorted thus: 1. The shining is in some pieces more bright, in some more dim; but the most bright of all doth not attain to the light of a glow-worm. 2. The woods that have been tried to shine, are chiefly sallow and willow; also the ash and hazel; it may be it holdeth in others. 3. Both roots and bodies do shine, but the roots better. 4. The colour of the shining part, by day-light, is in some pieces white, in some pieces inclining to red; which in the country they call the white and red garret. 5. The part that shineth is, for the most part, somewhat soft, and moist to feel to; but some was found to be firm and hard, so as it might be figured into a cross, or into beads, &c. But you must not look to have an image, or the like, in any thing that is lightsome: for even a face in iron red-hot will not be seen, the light confounding the small differences, of lightsome and darksome, which show the figure. 6. There was the shining part pared off, till you came to that that did not shine; but within two days the part contiguous began also to shine, being laid abroad in the dew; so as it seemeth the putrefaction spreadeth. 7. There was other dead wood of like kind that was laid abroad, which shined not at first; but after a night's lying abroad began to shine. 8. There was other wood that did first shine; and being laid dry in the house, within five or six days lost the shining; an laid abroad again, recovered the shining. 9. Shin ing woods being laid in a dry room, within a sever night lost their shining; but being laid in a cella or dark room, kept the shining. 10. The boring c holes in that kind of wood, and then laying it abroa seemeth to conduce to make it shine: the cause i for that all solution of continuity doth help on pu trefaction, as was touched before. 11. No woo hath been yet tried to shine, that was cut down aliv but such as was rotted both in stock and root whil it grew. 12. Part of the wood that shined wa steeped in oil, and retained the shining a fortnigh 13. The like succeeded in some steeped in wate and much better. 14. How long the shining wi continue, if the wood be laid abroad every night, an taken in and sprinkled with water in the day, is n yet tried. 15. Trial was made of laying it abroa in frosty weather, which hurt it not. 16. Ther was a great piece of a root which did shine, and th shining part was cut off till no more shined; ye after two nights, though it were kept in a dry roon it got a shining.

Experiments solitary touching the acceleration of birth.

353. The bringing forth of living creatures may b accelerated in two respects; the one, if the embry ripeneth and perfecteth sooner; the other, if there b some cause from the mother's body, of expulsio or putting it down: whereof the former is goo and argueth strength; the latter is ill, and comet by accident or disease. And therefore the ancie observation is true, that the child born in the sevent month doth commonly well; but born in the eight month, doth for the most part die. But the caus assigned is fabulous; which is, that in the eight should be the return of the reign of the planet Satur which, as they say, is a planet malign; whereas i the seventh is the reign of the moon, which is planet propitious. But the true cause is, for th where there is so great a prevention of the ordinar time, it is the lustiness of the child; but when it i less, it is some indisposition of the mother.

Experiment solitary touching the acceleration of growth and stature.

354. To accelerate growth or stature, it mus proceed either from the plenty of the nourishment or from the nature of the nourishment; or from th quickening and exciting of the natural heat. Fo the first, excess of nourishment is hurtful; for i maketh the child corpulent; and growing in breadt rather than in height. And you may take an ex periment from plants, which if they spread muc are seldom tall. As for the nature of the nourish ment; first, it may not be too dry, and therefor children in dairy countries do wax more tall, tha where they feed more upon bread and flesh. Ther is also a received tale; that boiling of daisy root in milk, which it is certain are great driers, wil make dogs little. But so much is true, that an over dry nourishment in childhood putteth back statur Secondly, the nourishment must be of an operati

nature; for that attenuateth the juice, and farthereth the motion of the spirits upwards. Neither is it without cause, that Xenophon, in the nurture of the Persian children, doth so much commend their feeding upon cardamon; which, he saith, made them grow better, and be of a more active habit. Cardamon is in Latin nasturtium; and with us water-cresses; which, it is certain, is a herb that, whilst it is young, is friendly to life. As for the quickening of natural heat, it must be done chiefly with exercise; and therefore no doubt much going to school, where they sit so much, hindereth the growth of children; whereas country people that go not to school, are commonly of better stature. And again men must beware how they give children any thing that is cold in operation; for even long sucking doth hinder both wit and stature. This hath been tried, that a whelp that hath been fed with nitre in milk, hath become very little, but extreme lively: for the spirit of nitre is cold. And though it be an excellent medicine in strength of years for prolongation of life; yet it is in children and young creatures an enemy to growth: and all for the same reason; for heat is requisite to growth; but after a man is come to his middle age, heat consumeth the spirits; which the coldness of the spirit of nitre doth help to condense and correct.

Experiments in consort touching sulphur and mercury, two of Paracelsus's principles.

There be two great families of things; you may term them by several names; sulphureous and mercurial, which are the chemists' words, for as for their sal, which is their third principle, it is a compound of the other two; inflammable and not inflammable; mature and crude; oily and watery. For we see that in subterranies there are, as the fathers of their tribes, brimstone and mercury; in vegetables and living creatures there is water and oil; in the inferior order of pneumaticals there is air and flame; and in the superior there is the body of the star and the pure sky. And these pairs, though they be unlike in the primitive differences of matter, yet they seem to have many consents: for mercury and sulphur are principal materials of metals; water and oil are principal materials of vegetables and animals; and seem to differ but in maturation or concoction: flame, in vulgar opinion, is but air incensed; and they both have quickness of motion, and facility of cession, much alike: and the interstellar sky, though the opinion be vain, that the star is the denser part of his orb, hath notwithstanding so much affinity with the star, that there is a rotation of that, as well as of the star. Therefore it is one of the greatest magnalia naturæ, to turn water or watery juice into oil or oily juice: greater in nature, than to turn silver or quicksilver into gold.

355. The instances we have wherein crude and watery substance turneth into fat and oily, are of four kinds. First in the mixture of earth and water; which mingled by the help of the sun gather a nitrous fatness, more than either of them have severally; as we see in that they put forth plants, which need both juices.

356. The second is in the assimilation of nourishment, made in the bodies of plants and living creatures; whereof plants turn the juice of mere water and earth into a great deal of oily matter: living creatures, though much of their fat and flesh are out of oily aliments, as meat and bread, yet they assimilate also in a measure their drink of water, &c. But these two ways of version of water into oil, namely, by mixture and by assimilation, are by many passages and percolations, and by long continuance of soft heats, and by circuits of time.

357. The third is in the inception of putrefaction: as in water corrupted, and the mothers of waters distilled; both which have a kind of fatness or oil.

358. The fourth is in the dulcoration of some metals: as saccharum Saturni, &c.

359. The intention of version of water into a more oily substance is by digestion; for oil is almost nothing else but water digested; and this digestion is principally by heat; which heat must be either outward or inward: again, it may be by provocation or excitation; which is caused by the mingling of bodies already oily or digested; for they will somewhat communicate their nature with the rest. Digestion also is strongly effected by direct assimilation of bodies crude into bodies digested; as in plants and living creatures, whose nourishment is far more crude than their bodies: but this digestion is by a great compass, as hath been said. As for the more full handling of these two principles, whereof this is but a taste, the inquiry of which is one of the profoundest inquiries of nature, we leave it to the title of version of bodies; and likewise to the title of the first congregations of matter; which, like a general assembly of estates, doth give law to all bodies.

Experiment solitary touching chameleons.

360. A chameleon is a creature about the bigness of an ordinary lizard: his head unproportionably big: his eyes great: he moveth his head without the writhing of his neck, which is inflexible, as a hog doth: his back crooked; his skin spotted with little tumours, less eminent near the belly; his tail slender and long: on each foot he hath five fingers; three on the outside, and two on the inside: his tongue of a marvellous length in respect of his body, and hollow at the end; which he will launch out to prey upon flies. Of colour green, and of a dusky yellow, brighter and whiter towards the belly; yet spotted with blue, white, and red. If he be laid upon green, the green predominateth; if upon yellow, the yellow; not so if he be laid upon blue, or red, or white; only the green spots receive a more orient lustre; laid upon black, he looketh all black, though not without a mixture of green. He feedeth not only upon air, though that be his principal sustenance, for sometimes he taketh flies, as was said; yet some that have kept chameleons a whole year together, could never perceive that ever they fed upon any thing else but air; and might observe their bellies to swell after they had exhausted the air and closed their jaws; which they open commonly against the rays of the sun. They have a foolish

tradition in magic, that if a chameleon be burnt upon the top of a house, it will raise a tempest; supposing, according to their vain dreams of sympathies, because he nourisheth with air, his body should have great virtue to make impression upon the air.

Experiment solitary touching subterrany fires.

361. It is reported by one of the ancients, that in part of Media there are eruptions of flames out of plains; and that those flames are clear, and cast not forth such smoke, and ashes, and pumice, as mountain flames do. The reason, no doubt, is, because the flame is not pent as it is in mountains and earthquakes which cast flame. There be also some blind fires under stone, which flame not out, but oil being poured upon them they flame out. The cause whereof is, for that it seemeth that the fire is so choked, as not able to remove the stone, it is heat rather than flame; which nevertheless is sufficient to inflame the oil.

Experiment solitary touching nitre.

362. It is reported, that in some lakes the water is so nitrous, as, if foul clothes be put into it, it scoureth them of itself: and if they stay any whit long, they moulder away. And the scouring virtue of nitre is the more to be noted, because it is a body cold; and we see warm water scoureth better than cold. But the cause is, for that it hath a subtle spirit, which severeth and divideth any thing that is foul and viscous, and sticketh upon a body.

Experiment solitary touching congealing of air.

363. Take a bladder, the greatest you can get: fill it full of wind, and tie it about the neck with a silk thread waxed; and upon that put likewise wax very close; so that when the neck of the bladder drieth, no air may possibly get in or out. Then bury it three or four foot under the earth in a vault, or in a conservatory of snow, the snow being made hollow about the bladder; and after some fortnight's distance, see whether the bladder be shrunk; for if it be, then it is plain that the coldness of the earth or snow hath condensed the air, and brought it a degree nearer to water: which is an experiment of great consequence.

Experiment solitary touching congealing of water into crystal.

364. It is a report of some good credit, that in deep caves there are pensile crystals, and degrees of crystal that drop from above; and in some other, though more rarely, that rise from below: which though it be chiefly the work of cold, yet it may be that water that passeth through the earth, gathereth a nature more clammy and fitter to congeal and become solid than water of itself. Therefore trial would be made, to lay a heap of earth, in great frosts, upon a hollow vessel, putting a canvass between, that it falleth not in: and pour water upon it, in such quantity as will be sure to soak through; and see whether it will not make a harder ice in the bottom of the vessel, and less apt to dissolve than ordinarily. I suppose also, that if you make the earth narrower at the bottom than at the top, in fashion of a sugar-loaf reversed, it will help the experiment. For it will make the ice, where it issueth, less in bulk; and evermore smallness of quantity is a help to version.

Experiment solitary touching preserving of rose-leaves both in colour and smell.

365. Take damask roses, and pull them; then dry them upon the top of a house, upon a lead or terras, in the hot sun, in a clear day, between the hours only of twelve and two, or thereabouts. Then put them into a sweet dry earthen bottle, or a glass, with narrow mouths, stuffing them close together, but without bruising: stop the bottle or glass close, and these roses will retain not only their smell perfect, but their colour fresh for a year at least. Note, that nothing do so much destroy any plant, or other body, either by putrefaction or arefaction, as the adventitious moisture which hangeth loose in the body, if it be not drawn out. For it betrayeth and tolleth forth the innate and radical moisture along with it, when itself goeth forth. And therefore in living creatures, moderate sweat doth preserve the juice of the body. Note, that these roses, when you take them from the drying, have little or no smell; so that the smell is a second smell, that issueth out of the flower afterwards.

Experiments in consort touching the continuance of flame.

366. The continuance of flame, according unto the diversity of the body inflamed, and other circumstances, is worthy the inquiry; chiefly, for that though flame be almost of a momentary lasting, yet it receiveth the more and the less: we will first therefore speak at large of bodies inflamed wholly and immediately, without any wick to help the inflammation. A spoonful of spirit of wine, a little heated, was taken, and it burnt as long as came to a hundred and sixteen pulses. The same quantity of spirit of wine, mixed with the sixth part of a spoonful of nitre, burnt but to the space of ninety-four pulses. Mixed with the like quantity of bay-salt, eighty-three pulses. Mixed with the like quantity of gunpowder, which dissolved into a black water, one hundred and ten pulses. A cube or pellet of yellow wax was taken, as much as half the spirit of wine, and set in the midst, and it burnt only to the space of eighty-seven pulses. Mixed with the sixth part of a spoonful of milk, it burnt to the space of one hundred pulses; and the milk was curdled. Mixed with the sixth part of a spoonful of water, it burnt to the space of eighty-six pulses; with an equal quantity of water, only to the space of four pulses. A small pebble was laid in the midst, and the spirit of wine burnt to the space of ninety-four pulses. A piece of wood of the bigness of an arrow, and about a finger's length, was set up in the midst, and the spirit of wine burnt to the space of ninety-four pulses. So that the spirit of wine simple endured the longest; and the spirit of wine with the bay-salt, and the equal quantity of water, were the shortest.

367. Consider well, whether the more speedy going forth of the flame be caused by the greater vigour of the flame in burning; or by the resistance of the body mixed, and the aversion thereof to take flame: which will appear by the quantity of the spirit of wine that remaineth after the going out of the flame. And it seemeth clearly to be the latter; for that the mixture of things least apt to burn, is the speediest in going out. And note, by the way, that spirit of wine burned, till it go out of itself, will burn no more; and tasteth nothing so hot in the mouth as it did; no, nor yet sour, as if it were a degree towards vinegar, which burnt wine doth; but flat and dead.

368. Note, that in the experiment of wax aforesaid, the wax dissolved in the burning, and yet did not incorporate itself with the spirit of wine, to produce one flame; but wheresoever the wax floated, the flame forsook it, till at last it spread all over, and put the flame quite out.

369. The experiments of the mixture of the spirit of wine inflamed, are things of discovery, and not of use: but now we will speak of the continuance of flames, such as are used for candles, lamps, or tapers; consisting of inflammable matters, and of a wick that provoketh inflammation. And this importeth not only discovery, but also use and profit; for it is a great saving in all such lights, if they can be made as fair and bright as others, and yet last longer. Wax pure made into a candle, and wax mixed severally into candle-stuff, with the particulars that follow; viz. water, aqua vitæ, milk, bay-salt, oil, butter, nitre, brimstone, saw-dust, every of these bearing a sixth part to the wax; and every of these candles mixed, being of the same weight and wick with the wax pure, proved thus in the burning and waning. The swiftest in consuming was that with saw-dust; which first burned fair till some part of the candle was consumed, and the dust gathered about the snaste; but then it made the snaste big and long, and to burn duskishly, and the candle waned in half the time of the wax pure. The next in swiftness were the oil and butter, which consumed by a fifth part swifter than the pure wax. Then followed in swiftness the clear wax itself. Then the bay-salt, which lasted about an eighth part longer than the clear wax. Then followed the aqua vitæ, which lasted about a fifth part longer than the clear wax. Then followed the milk, and water, with little difference from the aqua vitæ, but the water slowest. And in these four last, the wick would spit forth little sparks. For the nitre, it would not hold lighted above some twelve pulses: but all the while it would spit out portions of flame, which afterwards would go out into a vapour. For the brimstone, it would hold lighted much about the same time with the nitre; but then after a little while it would harden and cake about the snaste; so that the mixture of bay-salt with wax will win an eighth part of the time of lasting, and the water a fifth.

370. After the several materials were tried, trial was likewise made of several wicks; as of ordinary cotton, sewing thread, rush, silk, straw, and wood. The silk, straw, and wood, would flame a little, till they came to the wax, and then go out: of the other three, the thread consumed faster than the cotton, by a sixth part of time: the cotton next; then the rush consumed slower than the cotton, by at least a third part of time. For the bigness of the flame, the cotton and thread cast a flame much alike; and the rush much less and dimmer. *Query*, whether wood and wicks both, as in torches, consume faster than the wicks simple?

371. We have spoken of the several materials, and the several wicks: but to the lasting of the flame it importeth also, not only what the material is, but in the same material whether it be hard, soft, old, new, &c. Good housewives, to make their candles burn the longer, use to lay them, one by one, in bran or flour, which make them harder, and so they consume the slower: insomuch as by this means they will outlast other candles of the same stuff almost half in half. For bran and flour have a virtue to harden; so that both age, and lying in the bran, doth help to the lasting. And we see that wax candles last longer than tallow candles, because wax is more firm and hard.

372. The lasting of flame also dependeth upon the easy drawing of the nourishment; as we see in the Court of England there is a service which they call Allnight; which is as it were a great cake of wax, with the wick in the midst; whereby it cometh to pass, that the wick fetcheth the nourishment farther off. We see also that lamps last longer, because the vessel is far broader than the breadth of a taper or candle.

373. Take a turreted lamp of tin, made in the form of a square; the height of the turret being thrice as much as the length of the lower part whereupon the lamp standeth: make only one hole in it, at the end of the return farthest from the turret. Reverse it, and fill it full of oil by that hole; and then set it upright again; and put a wick in at the hole, and lighten it: you shall find that it will burn slow, and a long time: which is caused, as was said last before, for that the flame fetcheth the nourishment afar off. You shall find also, that as the oil wasteth and descendeth, so the top of the turret by little and little filleth with air; which is caused by the rarefaction of the oil by the heat. It were worthy the observation, to make a hole in the top of the turret, and to try when the oil is almost consumed, whether the air made of the oil, if you put to it the flame of a candle, in the letting of it forth, will inflame. It were good also to have the lamp made, not of tin, but of glass, that you may see how the vapour or air gathereth by degrees in the top.

374. A fourth point that importeth the lasting of the flame, is the closeness of the air wherein the flame burneth. We see that if wind bloweth upon a candle it wasteth apace. We see also it lasteth longer in a lanthorn than at large. And there are traditions of lamps and candles, that have burnt a very long time in caves and tombs.

375. A fifth point that importeth the lasting of the flame, is the nature of the air where the flame burneth; whether it be hot or cold, moist or dry.

The air, if it be very cold, irritateth the flame, and maketh it burn more fiercely, as fire scorcheth in frosty weather, and so farthereth the consumption. The air once heated, I conceive, maketh the flame burn more mildly, and so helpeth the continuance. The air, if it be dry, is indifferent: the air, if it be moist, doth in a degree quench the flame, as we see lights will go out in the damps of mines, and howsoever maketh it burn more dully, and so helpeth the continuance.

Experiments in consort touching burials or infusions of divers bodies in earth.

376. Burials in earth serve for preservation; and for condensation; and for induration of bodies. And if you intend condensation or induration, you may bury the bodies so as earth may touch them: as if you will make artificial porcelane, &c. And the like you may do for conservation, if the bodies be hard and solid; as clay, wood, &c. But if you intend preservation of bodies more soft and tender, then you must do one of these two: either you must put them in cases, whereby they may not touch the earth; or else you must vault the earth, whereby it may hang over them, and not touch them; for if the earth touch them, it will do more hurt by the moisture, causing them to putrify, than good by the virtual cold, to conserve them; except the earth be very dry and sandy.

377. An orange, lemon, and apple, wrapt in a linen cloth, being buried for a fortnight's space four feet deep within the earth, though it were in a moist place, and a rainy time, yet came forth no ways mouldy or rotten, but were become a little harder than they were; otherwise fresh in their colour; but their juice somewhat flatted. But with the burial of a fortnight more they became putrified.

378. A bottle of beer, buried in like manner as before, became more lively, better tasted, and clearer than it was. And a bottle of wine in like manner. A bottle of vinegar so buried came forth more lively and more odoriferous, smelling almost like a violet. And after the whole month's burial, all the three came forth as fresh and lively, if not better than before.

379. It were a profitable experiment to preserve oranges, lemons, and pomegranates, till summer: for then their price will be mightily increased. This may be done, if you put them in a pot or vessel well covered, that the moisture of the earth come not at them; or else by putting them in a conservatory of snow. And generally, whosoever will make experiments of cold, let him be provided of three things; a conservatory of snow; a good large vault, twenty feet at least under the ground; and a deep well.

380. There hath been a tradition, that pearl, and coral, and turquois-stone, that have lost their colours, may be recovered by burying in the earth; which is a thing of great profit, if it would sort: but upon trial of six weeks burial, there followed no effect. It were good to try it in a deep well, or in a conservatory of snow; where the cold may be more constringent; and so make the body more united, and thereby more resplendent.

Experiment solitary touching the effects in men's bodies from several winds.

381. Men's bodies are heavier, and less disposed to motion, when southern winds blow, than when northern. The cause is, for that when the southern winds blow, the humours do, in some degree, melt and wax fluid, and so flow into the parts; as it is seen in wood and other bodies, which when the southern winds blow, do swell. Besides, the motion and activity of the body consisteth chiefly in the sinews, which, when the southern wind bloweth, are more relax.

Experiment solitary touching winter and summer sicknesses.

382. It is commonly seen, that more are sick in the summer, and more die in the winter; except it be in pestilent diseases, which commonly reign in summer or autumn. The reason is, because diseases are bred, indeed, chiefly by heat; but then they are cured most by sweat and purge; which in the summer cometh on or is provoked more easily. As for pestilent diseases, the reason why most die of them in summer is, because they are bred most in the summer: for otherwise those that are touched are in most danger in the winter.

Experiment solitary touching pestilential seasons.

383. The general opinion is, that years hot and moist are most pestilent; upon the superficial ground that heat and moisture cause putrefaction. In England it is not found true; for many times there have been great plagues in dry years. Whereof the cause may be, for that drought in the bodies of islanders habituate to moist airs, doth exasperate the humours, and maketh them more apt to putrify or inflame: besides, it tainteth the waters, commonly, and maketh them less wholesome. And again in Barbary, the plagues break up in the summer months, when the weather is hot and dry.

Experiment solitary touching an error received about epidemical diseases.

384. Many diseases, both epidemical and others, break forth at particular times. And the cause is falsely imputed to the constitution of the air at that time when they break forth or reign; whereas it proceedeth, indeed, from a precedent sequence and series of the seasons of the year: and therefore Hippocrates in his prognostics doth make good observations of the diseases that ensue upon the nature of the precedent four seasons of the year.

Experiment solitary touching the alteration or preservation of liquors in wells or deep vaults.

385. Trial hath been made with earthen bottles well stopped, hanged in a well of twenty fathom deep at the least; and some of the bottles have been let down into the water, some others have hanged above, within about a fathom of the water; and the liquors so tried have been beer, not new, but ready for drinking, and wine, and milk. The proof hath been, that both the beer and the wine, as well within

water as above, have not been palled or deaded at all; but as good or somewhat better than bottles of the same drinks and staleness kept in a cellar. But those which did hang above water were apparently the best; and that beer did flower a little; whereas that under water did not, though it were fresh. The milk soured and began to putrify. Nevertheless it is true, that there is a village near Blois, where in deep caves they do thicken milk, in such sort that it becometh very pleasant: which was some cause of this trial of hanging milk in the well: but our proof was naught; neither do I know whether that milk in those caves be first boiled. It were good therefore to try it with milk sodden, and with cream; for that milk of itself is such a compound body, of cream, curds, and whey, as it is easily turned and dissolved. It were good also to try the beer when it is in wort, that it may be seen whether the hanging in the well will accelerate the ripening and clarifying of it.

Experiment solitary touching stutting.

386. Divers, we see, do stut. The cause may be, in most, the refrigeration of the tongue; whereby it is less apt to move. And therefore we see that naturals do generally stut: and we see that in those that stut, if they drink wine moderately, they stut less, because it heateth: and so we see, that they that stut do stut more in the first offer to speak than in continuance; because the tongue is by motion somewhat heated. In some also, it may be, though rarely, the dryness of the tongue; which likewise maketh it less apt to move as well as cold: for it is an effect that cometh to some wise and great men; as it did unto Moses, who was linguæ præpeditæ; and many stutters, we find, are very choleric men; choler inducing a dryness in the tongue.

Experiments in consort touching smells.

387. Smells and other odours are sweeter in the air at some distance, than near the nose; as hath been partly touched heretofore. The cause is double: first, the finer mixture or incorporation of the smell: for we see that in sounds likewise, they are sweeter when we cannot hear every part by itself. The other reason is, for that all sweet smells have joined with them some earthy or crude odours; and at some distance, the sweet which is the more spiritual, is perceived, and the earthy reacheth not so far.

388. Sweet smells are most forcible in dry substances when they are broken; and so likewise in oranges and lemons, the nipping of their rind giveth out their smell more; and generally when bodies are moved or stirred, though not broken, they smell more; as a sweet-bag waved. The cause is double: the one, for that there is a greater emission of the spirit when way is made; and this holdeth in the breaking, nipping, or crushing; it holdeth also, in some degree, in the moving: but in this last there is a concurrence of the second cause, which is the impulsion of the air, that bringeth the scent faster upon us.

389. The daintiest smells of flowers are out of those plants whose leaves smell not; as violets, roses, wall-flowers, gilly-flowers, pinks, woodbines, vine-flowers, apple-blooms, lime-tree-blooms, bean-blooms, &c. The cause is, for that where there is heat and strength enough in the plant to make the leaves odorate, there the smell of the flower is rather evanid and weaker than that of the leaves; as it is in rosemary flowers, lavender flowers, and sweet-briar roses. But where there is less heat, there the spirit of the plant is digested and refined, and severed from the grosser juice, in the efflorescence, and not before.

390. Most odours smell best broken or crushed, as hath been said; but flowers pressed or beaten do lose the freshness and sweetness of their odour. The cause is, for that when they are crushed, the grosser and more earthy spirit cometh out with the finer, and troubleth it; whereas in stronger odours there are no such degrees of the issue of the smell.

Experiments in consort touching the goodness and choice of water.

391. It is a thing of very good use to discover the goodness of waters. The taste, to those that drink water only, doth somewhat: but other experiments are more sure. First, try waters by weight; wherein you may find some difference, though not much; and the lighter you may account the better.

392. Secondly, try them by boiling upon an equal fire; and that which consumeth away fastest you may account the best.

393. Thirdly, try them in several bottles or open vessels, matches in every thing else, and see which of them last longest without stench or corruption. And that which holdeth unputrified longest, you may likewise account the best.

394. Fourthly, try them by making drinks stronger or smaller, with the same quantity of malt; and you may conclude, that that water which maketh the stronger drink, is the more concocted and nourishing; though perhaps it be not so good for medicinal use. And such water commonly is the water of large and navigable rivers; and likewise in large and clean ponds of standing water; for upon both them the sun hath more power than upon fountains or small rivers. And I conceive that chalk-water is next them the best for going farthest in drink: for that also helpeth concoction; so it be out of a deep well; for then it cureth the rawness of the water; but chalky water, towards the top of the earth, is too fretting; as it appeareth in laundry of clothes, which wear out apace if you use such waters.

395. Fifthly, the housewives do find a difference in waters, for the bearing or not bearing of soap: and it is likely that the more fat water will bear soap best; for the hungry water doth kill the unctuous nature of the soap.

396. Sixthly, you may make a judgment of waters according to the place whence they spring or come: the rain-water is, by the physicians, esteemed the finest and the best; but yet it is said to putrify soonest; which is likely, because of the fineness of the spirit: and in conservatories of rain-water, such as they have in Venice, &c. they are found not so choice waters; the worse, perhaps, because they

are covered aloft, and kept from the sun. Snow-water is held unwholesome; insomuch as the people that dwell at the foot of the snow mountains, or otherwise upon the ascent, especially the women, by drinking of snow-water, have great bags hanging under their throats. Well-water, except it be upon chalk, or a very plentiful spring, maketh meat red; which is an ill sign. Springs on the tops of hills are the best: for both they seem to have a lightness and appetite of mounting; and besides, they are most pure and unmingled; and again, are more percolated through a great space of earth. For waters in valleys join in effect under ground with all waters of the same level; whereas springs on the tops of hills pass through a great deal of pure earth with less mixture of other waters.

397. Seventhly, judgment may be made of waters by the soil whereupon the water runneth; as pebble is the cleanest and best tasted; and next to that, clay-water; and thirdly, water upon chalk; fourthly, that upon sand; and worst of all upon mud. Neither may you trust waters that taste sweet; for they are commonly found in rising grounds of great cities; which must needs take in a great deal of filth.

Experiment solitary touching the temperate heat under the equinoctial.

398. In Peru, and divers parts of the West Indies, though under the line, the heats are not so intolerable as they be in Barbary, and the skirts of the torrid zone. The causes are, first the great breezes which the motion of the air in great circles, such as are under the girdle of the world, produceth; which do refrigerate; and therefore in those parts noon is nothing so hot, when the breezes are great, as about nine or ten of the clock in the forenoon. Another cause is, for that the length of the night, and the dews thereof, do compensate the heat of the day. A third cause is the stay of the sun; not in respect of day and night, for that we spake of before, but in respect of the season; for under the line the sun crosseth the line, and maketh two summers and two winters, but in the skirts of the torrid zone it doubleth and goeth back again, and so maketh one long summer.

Experiment solitary touching the coloration of black and tawny Moors.

399. The heat of the sun maketh men black in some countries, as in Æthiopia and Guinea, &c. Fire doth it not, as we see in glass-men, that are continually about the fire. The reason may be, because fire doth lick up the spirits and blood of the body, so as they exhale; so that it ever maketh men look pale and sallow; but the sun, which is a gentler heat, doth but draw the blood to the outward parts; and rather concocteth it than soaketh it; and therefore we see that all Æthiopes are fleshy and plump, and have great lips; all which betoken moisture retained, and not drawn out. We see also that the Negroes are bred in countries that have plenty of water, by rivers or otherwise; for Meroë, which was the metropolis of Æthiopia, was upon a great lake: and Congo, where the Negroes are, is full of rivers. And the confines of the river Niger, where the Negroes also are, are well watered: and the region above Cape Verde is likewise moist, insomuch as it is pestilent through moisture: but the countries of the Abyssenes, and Barbary, and Peru, where they are tawny, and olivaster, and pale, are generally more sandy and dry. As for the Æthiopes, as they are plump and fleshy, so, it may be, they are sanguine and ruddy-coloured, if their black skin would suffer it to be seen.

Experiment solitary touching motion after the instant of death.

400. Some creatures do move a good while after their head is off; as birds: some a very little time; as men and all beasts: some move, though cut in several pieces; as snakes, eels, worms, flies, &c. First, therefore, it is certain, that the immediate cause of death is the resolution or extinguishment of the spirits; and that the destruction or corruption of the organs is but the mediate cause. But some organs are so peremptorily necessary, that the extinguishment of the spirits doth speedily follow; but yet so as there is an interim of a small time. It is reported by one of the ancients of credit, that a sacrificed beast hath lowed after the heart hath been severed: and it is a report also of credit, that the head of a pig hath been opened, and the brain put into the palm of a man's hand, trembling, without breaking any part of it, or severing it from the marrow of the back-bone; during which time the pig hath been, in all appearance, stark dead, and without motion; and after a small time the brain hath been replaced, and the skull of the pig closed, and the pig hath a little after gone about. And certain it is, that an eye upon revenge hath been thrust forth, so as it hanged a pretty distance by the visual nerve; and during that time the eye hath been without any power of sight; and yet after being replaced recovered sight. Now the spirits are chiefly in the head and cells of the brain, which in men and beasts are large; and therefore, when the head is off, they move little or nothing. But birds have small heads, and therefore the spirits are a little more dispersed in the sinews, whereby motion remaineth in them a little longer; insomuch, as it is extant in story, that an emperor of Rome, to show the certainty of his hand, did shoot a great forked arrow at an ostrich, as she ran swiftly upon the stage, and struck off her head; and yet she continued the race a little way with her head off. As for worms, and flies, and eels, the spirits are diffused almost all over; and therefore they move in their several pieces.

CENTURY V.

Experiments in consort touching the acceleration of germination.

WE will now inquire of plants or vegetables: and we shall do it with diligence. They are the principal part of the third day's work. They are the first producat, which is the word of animation: for the other words are but the words of essence: and they are of excellent and general use for food, medicine, and a number of mechanical arts.

401. There were sown in a bed, turnip-seed, radish-seed, wheat, cucumber-seed, and peas. The bed we call a hot-bed, and the manner of it is this: there was taken horse-dung, old and well rotted; this was laid upon a bank half a foot high, and supported round about with planks; and upon the top was cast sifted earth, some two fingers deep; and then the seed sprinkled upon it, having been steeped all night in water mixed with cow-dung. The turnip-seed and the wheat came up half an inch above ground within two days after, without any watering. The rest the third day. The experiment was made in October; and, it may be, in the spring, the accelerating would have been the speedier. This is a noble experiment; for without this help they would have been four times as long in coming up. But there doth not occur to me, at this present, any use thereof for profit; except it should be for sowing of peas, which have their price very much increased by the early coming. It may be tried also with cherries, strawberries, and other fruit, which are dearest when they come early.

402. There was wheat steeped in water mixed with cow-dung; other in water mixed with horse-dung; other in water mixed with pigeon-dung; other in urine of man; other in water mixed with chalk powdered; other in water mixed with soot; other in water mixed with ashes; other in water mixed with bay-salt; other in claret wine; other in malmsey; other in spirit of wine. The proportion of the mixture was a fourth part of the ingredients to the water; save that there was not of the salt above an eighth part. The urine, and wines, and spirit of wine, were simple without mixture of water. The time of the steeping was twelve hours. The time of the year October. There was also other wheat sown unsteeped, but watered twice a day with warm water. There was also other wheat sown simple, to compare it with the rest. The event was, that those that were in the mixture of dung, and urine, and soot, chalk, ashes, and salt, came up within six days; and those that afterwards proved the highest, thickest, and most lusty, were first the urine; and then the dungs; next the chalk; next the soot; next the ashes; next the salt; next the wheat simple of itself, unsteeped and unwatered; next the watered twice a day with warm water; next the claret wine. So that these three last were slower than the ordinary wheat of itself; and this culture did rather retard than advance. As for those that were steeped in malmsey, and spirit of wine, they came not up at all. This is a rich experiment for profit; for the most of the steepings are cheap things; and the goodness of the crop is a great matter of gain; if the goodness of the crop answer the earliness of the coming up, as it is like it will, both being from the vigour of the seed; which also partly appeared in the former experiments, as hath been said. This experiment would be tried in other grains, seeds, and kernels; for it may be some steeping will agree best with some seeds. It would be tried also with roots steeped as before, but for longer time. It would be tried also in several seasons of the year, especially the spring.

403. Strawberries watered now and then, as once in three days, with water wherein hath been steeped sheeps-dung or pigeons-dung, will prevent and come early. And it is like the same effect would follow in other berries, herbs, flowers, grains, or trees. And therefore it is an experiment, though vulgar in strawberries, yet not brought into use generally: for it is usual to help the ground with muck; and likewise to recomfort it sometimes with muck put to the roots; but to water it with muck water, which is like to be more forcible, is not practised.

404. Dung, or chalk, or blood, applied in substance, seasonably, to the roots of trees, doth set them forwards. But to do it unto herbs, without mixture of water or earth, it may be these helps are too hot.

405. The former means of helping germination, are either by the goodness and strength of the nourishment; or by the comforting and exciting the spirits in the plant to draw the nourishment better. And of this latter kind, concerning the comforting of the spirits of the plant, are also the experiments that follow; though they be not applications to the root or seed. The planting of trees warm upon a wall against the south, or south-east sun, doth hasten their coming on and ripening; and the south-east is found to be better than the south-west, though the south-west be the hotter coast. But the cause is chiefly, for that the heat of the morning succeedeth the cold of the night: and partly, because many times the south-west sun is too parching. So likewise the planting of them upon the back of a chimney where a fire is kept, doth hasten their coming on and ripening: nay more, the drawing of the boughs into the inside of a room where a fire is continually kept, worketh the same effect; which hath been tried with grapes; insomuch as they will come a month earlier than the grapes abroad.

406. Besides the two means of accelerating germination formerly described; that is to say, the mending of the nourishment, and comforting of the spirit of the plant; there is a third, which is the making way for the easy coming to the nourish-

ment, and drawing it. And therefore gentle digging and loosening of the earth about the roots of trees; and the removing herbs and flowers into new earth once in two years, which is the same thing, for the new earth is ever looser, doth greatly further the prospering and earliness of plants.

407. But the most admirable acceleration by facilitating the nourishment is that of water. For a standard of a damask rose with the root on, was set in a chamber where no fire was, upright in an earthen pan, full of fair water, without any mixture, half a foot under the water, the standard being more than two foot high above the water: within the space of ten days the standard did put forth a fair green leaf, and some other little buds, which stood at a stay, without any show of decay or withering, more than seven days. But afterwards that leaf faded, but the young buds did sprout on; which afterward opened into fair leaves in the space of three months; and continued so a while after, till upon removal we left the trial. But note, that the leaves were somewhat paler and lighter-coloured than the leaves used to be abroad. Note, that the first buds were in the end of October; and it is likely that if it had been in the spring time, it would have put forth with greater strength, and, it may be, to have grown on to bear flowers. By this means you may have, as it seemeth, roses set in the midst of a pool, being supported with some stay; which is matter of rareness and pleasure, though of small use. This is the more strange, for that the like rose-standard was put at the same time into water mixed with horse-dung, the horse-dung about the fourth part to the water, and in four months' space, while it was observed, put not forth any leaf, though divers buds at the first, as the other.

408. A Dutch flower that had a bulbous root, was likewise put at the same time all under water, some two or three fingers deep; and within seven days sprouted, and continued long after farther growing. There were also put in, a beet-root, a borage-root, and a radish-root, which had all their leaves cut almost close to the roots; and within six weeks had fair leaves; and so continued till the end of November.

409. Note, that if roots, or peas, or flowers, may be accelerated in their coming and ripening, there is a double profit; the one in the high price that those things bear when they come early; the other in the swiftness of their returns: for in some grounds which are strong, you shall have a radish, &c. come in a month, that in other grounds will not come in two, and so make double returns.

410. Wheat also was put into the water, and came not forth at all; so as it seemeth there must be some strength and bulk in the body put into the water, as it is in roots; for grains, or seeds, the cold of the water will mortify. But casually some wheat lay under the pan, which was somewhat moistened by the suing of the pan; which in six weeks, as aforesaid, looked mouldy to the eye, but it was sprouted forth half a finger's length.

411. It seemeth by these instances of water, that for nourishment the water is almost all in all, and that the earth doth but keep the plant upright, and save it from over-heat and over-cold; and therefore is a comfortable experiment for good drinkers. It proveth also that our former opinion, that drink incorporate with flesh or roots, as in capon-beer, &c. will nourish more easily, than meat and drink taken severally.

412. The housing of plants, I conceive, will both accelerate germination, and bring forth flowers and plants in the colder seasons: and as we house hot-country plants, as lemons, oranges, myrtles, to save them; so we may house our own country plants, to forward them, and make them come in the cold seasons; in such sort, that you may have violets, strawberries, peas, all winter: so that you sow or remove them at fit times. This experiment is to be referred unto the comforting of the spirit of the plant by warmth, as well as housing their boughs, &c. So then the means to accelerate germination, are in particular eight, in general three.

Experiments in consort touching the putting back or retardation of germination.

413. To make roses, or other flowers come late, it is an experiment of pleasure. For the ancients esteemed much of the rosa sera. And indeed the November rose is the sweetest, having been less exhaled by the sun. The means are these. First, the cutting off their tops immediately after they have done bearing; and then they will come again the same year about November: but they will not come just on the tops where they were cut, but out of those shoots which were, as it were, water boughs. The cause is, for that the sap, which otherwise would have fed the top, though after bearing, will, by the discharge of that, divert unto the side sprouts; and they will come to bear, but later.

414. The second is the pulling off the buds of the rose, when they are newly knotted; for then the side branches will bear. The cause is the same with the former; for cutting off the tops, and pulling off the buds, work the same effect, in retention of the sap for a time, and diversion of it to the sprouts that were not so forward.

415. The third is the cutting off some few of the top boughs in the spring time, but suffering the lower boughs to grow on. The cause is, for that the boughs do help to draw up the sap more strongly; and we see that in polling of trees, many do use to leave a bough or two on the top, to help to draw up the sap. And it is reported also, that if you graft upon the bough of a tree, and cut off some of the old boughs, the new cions will perish.

416. The fourth is by laying the roots bare about Christmas some days. The cause is plain, for that it doth arrest the sap from going upwards for a time: which arrest is afterwards released by the covering of the root again with earth; and then the sap getteth up, but later.

417. The fifth is the removing of the tree some month before it buddeth. The cause is, for that some time will be required after the remove for the re-settling, before it can draw the juice; and that

time being lost, the blossom must needs come forth later.

418. The sixth is the grafting of roses in May, which commonly gardeners do not till July; and then they bear not till the next year; but if you graft them in May, they will bear the same year, but late.

419. The seventh is the girding of the body of the tree about with some pack-thread; for that also in a degree restraineth the sap, and maketh it come up more late and more slowly.

420. The eighth is the planting of them in a shade, or in a hedge; the cause is, partly the keeping out of the sun, which hasteneth the sap to rise; and partly the robbing them of nourishment by the stuff in the hedge. These means may be practised upon other, both trees and flowers, mutatis mutandis.

421. Men have entertained a conceit that showeth prettily; namely, that if you graft a late-coming fruit upon a stock of a fruit-tree that cometh early, the graft will bear early; as a peach upon a cherry; and contrariwise, if an early-coming fruit upon a stock of a fruit-tree that cometh late, the graft will bear fruit late; as a cherry upon a peach. But these are but imaginations, and untrue. The cause is, for that the cion overruleth the stock quite: and the stock is but passive only, and giveth aliment, but no motion to the graft.

Experiments in consort touching the melioration of fruits, trees, and plants.

We will speak now, how to make fruits, flowers, and roots larger, in more plenty, and sweeter than they use to be; and how to make the trees themselves more tall, more spread, and more hasty and sudden than they use to be. Wherein there is no doubt but the former experiments of acceleration will serve much to these purposes. And again, that these experiments, which we shall now set down, do serve also for acceleration, because both effects proceed from the increase of vigour in the tree; but yet to avoid confusion, and because some of the means are more proper for the one effect, and some for the other, we will handle them apart.

422. It is an assured experience, that a heap of flint or stone, laid about the bottom of a wild tree, as an oak, elm, ash, &c.; upon the first planting, doth make it prosper double as much as without it. The cause is, for that it retaineth the moisture which falleth at any time upon the tree, and suffereth it not to be exhaled by the sun. Again, it keepeth the tree warm from cold blasts, and frosts, as it were in a house. It may be also there is somewhat in the keeping of it steady at the first. *Query*, If laying of straw some height about the body of a tree, will not make the tree forwards. For though the root giveth the sap, yet it is the body that draweth it. But you must note, that if you lay stones about the stalk of lettuce, or other plants that are more soft, it will over-moisten the roots, so as the worms will eat them.

423. A tree, at the first setting, should not be shaken, until it hath taken root fully: and therefore we have put two little forks about the bottom of their trees to keep them upright; but after a year's rooting, then shaking doth the tree good, by loosening of the earth, and, perhaps, by exercising, as it were, and stirring the sap of the tree.

424. Generally the cutting away of boughs and suckers at the root and body doth make trees grow high; and contrariwise, the polling and cutting of the top maketh them grow spread and bushy. As we see in pollards, &c.

425. It is reported, that to make hasty-growing coppice woods, the way is, to take willow, sallow, poplar, alder, of some seven years' growth; and to set them, not upright, but aslope, a reasonable depth under the ground; and then instead of one root they will put forth many, and so carry more shoots upon a stem.

426. When you would have many new roots of fruit trees, take a low tree and bow it, and lay all its branches aflat upon the ground, and cast earth upon them; and every twig will take root. And this is a very profitable experiment for costly trees, for the boughs will make stocks without charge; such as are apricots, peaches, almonds, cornelians, mulberries, figs, &c. The like is continually practised with vines, roses, musk-roses, &c.

427. From May to July you may take off the bark of any bough, being of the bigness of three or four inches, and cover the bare place, somewhat above and below, with loam well tempered with horse-dung, binding it fast down. Then cut off the bough about Allhollontide in the bare place, and set it in the ground; and it will grow to be a fair tree in one year. The cause may be, for that the baring from the bark keepeth the sap from descending towards winter, and so holdeth it in the bough; and it may be also that the loam and horse-dung applied to the bare place do moisten it, and cherish it, and make it more apt to put forth the root. Note, that this may be a general means for keeping up the sap of trees in their boughs; which may serve to other effects.

428. It hath been practised in trees that show fair and bear not, to bore a hole through the heart of the tree, and thereupon it will bear. Which may be, for that the tree before had too much repletion, and was oppressed with its own sap; for repletion is an enemy to generation.

429. It hath been practised in trees that do not bear, to cleave two or three of the chief roots, and to put into the cleft a small pebble, which may keep it open, and then it will bear. The cause may be, for that a root of a tree may be, as it were, hide-bound, no less than the body of the tree; but it will not keep open without somewhat put into it.

430. It is usually practised, to set trees that require much sun upon walls against the south; as apricots, peaches, plums, vines, figs, and the like. It hath a double commodity: the one, the heat of the wall by reflexion; the other, the taking away of the shade; for when a tree groweth round, the upper boughs overshadow the lower; but when it is spread upon a wall, the sun cometh alike upon the upper and the lower branches.

431. It hath also been practised by some, to pull off some leaves from the trees so spread, that the sun may come upon the bough and fruit the better. There hath been practised also a curiosity, to set a tree upon the north side of a wall, and at a little height to draw it through the wall, and spread it upon the south side: conceiving that the root and lower part of the stock should enjoy the freshness of the shade; and the upper boughs, and fruit, the comfort of the sun. But it sorted not; the cause is, for that the root requireth some comfort from the sun, though under earth, as well as the body; and the lower part of the body more than the upper, as we see in compassing a tree below with straw.

432. The lowness of the bough where the fruit cometh, maketh the fruit greater, and to ripen better; for you shall ever see, in apricots, peaches, or melocotones upon a wall, the greatest fruits towards the bottom. And in France, the grapes that make the wine, grow upon low vines bound to small stakes; and the raised vines in arbours make but verjuice. It is true, that in Italy and other countries where they have hotter sun, they raise them upon elms and trees; but I conceive, that if the French manner of planting low were brought in use there, their wines would be stronger and sweeter. But it is more chargeable in respect of the props. It were good to try whether a tree grafted somewhat near the ground, and the lower boughs only maintained, and the higher continually pruned off, would not make a larger fruit.

433. To have fruit in great plenty, the way is to graft not only upon young stocks, but upon divers boughs of an old tree; for they will bear great numbers of fruit: whereas if you graft but upon one stock, the tree can bear but few.

434. The digging yearly about the roots of trees, which is a great means both to the acceleration and melioration of fruits, is practised in nothing but in vines: which if it were transferred unto other trees and shrubs, as roses, &c. I conceive would advance them likewise.

435. It hath been known, that a fruit tree hath been blown up, almost, by the roots, and set up again, and the next year bear exceedingly. The cause of this was nothing but the loosening of the earth, which comforteth any tree, and is fit to be practised more than it is in fruit-trees: for trees cannot be so fitly removed into new grounds, as flowers and herbs may.

436. To revive an old tree, the digging of it about the roots, and applying new mould to the roots, is the way. We see also that draught oxen put into fresh pasture gather new and tender flesh; and in all things better nourishment than hath been used doth help to renew; especially if it be not only better, but changed and differing from the former.

437. If an herb be cut off from the roots in the beginning of winter, and then the earth be trodden and beaten down hard with the foot and spade, the roots will become of very great magnitude in summer. The reason is, for that the moisture being forbidden to come up in the plant, stayeth longer in the root, and dilateth it. And gardeners use to tread down any loose ground after they have sown onions, or turnips, &c.

438. If panicum be laid below and about the bottom of a root, it will cause the root to grow to an excessive bigness. The cause is, for that being itself of a spongy substance, it draweth the moisture of the earth to it, and so feedeth the root. This is of greatest use for onions, turnips, parsnips, and carrots.

439. The shifting of ground is a means to better the tree and fruit; but with this caution, that all things do prosper best when they are advanced to the better: your nursery of stocks ought to be in a more barren ground than the ground is whereunto you remove them. So all graziers prefer their cattle from meaner pastures to better. We see also, that hardness in youth lengtheneth life, because it leaveth a cherishing to the better of the body in age: nay, in exercises, it is good to begin with the hardest, as dancing in thick shoes, &c.

440. It hath been observed, that hacking of trees in their bark, both downright and across, so as you may make them rather in slices than in continued hacks, doth great good to trees; and especially delivereth them from being hide-bound, and killeth their moss.

441. Shade to some plants conduceth to make them large and prosperous, more than sun; as in strawberries and bays, &c. Therefore among strawberries sow here and there some borage seed; and you shall find the strawberries under those leaves far more large than their fellows. And bays you must plant to the north, or defend them from the sun by a hedge-row; and when you sow the berries, weed not the borders for the first half year; for the weed giveth them shade.

442. To increase the crops of plants, there would be considered not only the increasing the lust of the earth, or of the plant, but the saving also of that which is spilt. So they have lately made a trial to set wheat; which nevertheless hath been left off because of the trouble and pains: yet so much is true, that there is much saved by the setting, in comparison of that which is sown; both by keeping it from being picked up by birds, and by avoiding the shallow lying of it, whereby much that is sown taketh no root.

443. It is prescribed by some of the ancients that you take small trees, upon which figs or other fruit grow, being yet unripe, and cover the trees in the middle of autumn with dung until the spring and then take them up in a warm day, and replant them in good ground; and by that means the former year's tree will be ripe, as by a new birth, when other trees of the same kind do but blossom. But this seemeth to have no great probability.

444. It is reported, that if you take nitre, and mingle it with water, to the thickness of honey, and therewith anoint the bud after the vine is cut, it will sprout forth within eight days. The cause is like to be, if the experiment be true, the opening of the bud and of the parts contiguous, by the spirit of the nitre; for nitre is, as it were, the life of vegetables.

445. Take seed, or kernels of apples, pears, oranges; or a peach, or a plum-stone, &c. and put them into a squill, which is like a great onion, and they will come up much earlier than in the earth itself. This I conceive to be as a kind of grafting in the root; for as the stock of a graft yieldeth better prepared nourishment to the graft, than the crude earth; so the squill doth the like to the seed. And I suppose the same would be done, by putting kernels into a turnip, or the like: save that the squill is more vigorous and hot. It may be tried also, with putting onion seed into an onion head, which thereby, perhaps, will bring forth a larger and earlier onion.

446. The pricking of a fruit in several places, when it is almost at its bigness, and before it ripeneth, hath been practised with success, to ripen the fruit more suddenly. We see the example of the biting of wasps or worms upon fruit, whereby it manifestly ripeneth the sooner.

447. It is reported, that alga marina, sea-weed, put under the roots of coleworts, and, perhaps, of other plants, will farther their growth. The virtue, no doubt, hath relation to salt, which is a great help to fertility.

448. It hath been practised, to cut off the stalks of cucumbers, immediately after their bearing, close by the earth; and then to cast a pretty quantity of earth upon the plant that remaineth, and they will bear the next year fruit long before the ordinary time. The cause may be, for that the sap goeth down the sooner, and is not spent in the stalk or leaf which remaineth after the fruit. Where note, that the dying in the winter of the roots of plants that are annual, seemeth to be partly caused by the over expense of the sap into stalk and leaves; which being prevented they will super-annuate, if they warm.

449. The pulling off many of the blossoms from a fruit-tree doth make the fruit fairer. The cause is manifest; for that the sap hath the less to nourish. And it is a common experience, that if you do not pull off some blossoms the first time a tree bloometh, it will blossom itself to death.

450. It were good to try, what would be the effect, if all the blossoms were pulled from a fruit-tree; or the acorns and chestnut-buds, &c. from a wild tree, for two years together. I suppose that the tree will either put forth the third year bigger and more plentiful fruit; or else the same years, larger leaves, because of the sap stored up.

451. It hath been generally received that a plant watered with warm water, will come up sooner and better, than with cold water or with showers. But our experiment of watering wheat with warm water, as hath been said, succeeded not; which may be, because the trial was too late in the year, viz. in the end of October. For the cold then coming upon the seed, after it was made more tender by the warm water, might check it.

452. There is no doubt, but that grafting, for the most part, doth meliorate the fruit. The cause is manifest; for that the nourishment is better prepared in the stock, than in the crude earth: but yet note well, that there be some trees that are said to come up more happily from the kernel than from the graft; as the peach and melocotone. The cause I suppose to be, for that those plants require a nourishment of great moisture: and though the nourishment of the stock be finer and better prepared, yet it is not so moist and plentiful as the nourishment of the earth. And indeed we see those fruits are very cold fruits in their nature.

453. It hath been received, that a smaller pear grafted upon a stock that beareth a greater pear, will become great. But I think it is as true as that of the prime fruit upon the late stock; and e converso; which we rejected before; for the cion will govern. Nevertheless, it is probable enough, that if you can get a cion to grow upon a stock of another kind, that is much moister than its own stock, it may make the fruit greater, because it will yield more plentiful nourishment; though it is like it will make the fruit baser. But generally the grafting is upon a drier stock; as the apple upon a crab; the pear upon a thorn, &c. Yet it is reported, that in the Low Countries they will graft an apple cion upon the stock of a colewort, and it will bear a great flaggy apple; the kernel of which, if it be set, will be a colewort, and not an apple. It were good to try whether an apple cion will prosper, if it be grafted upon a sallow, or upon a poplar, or upon an alder, or upon an elm, or upon a horse-plum, which are the moistest of trees. I have heard that it hath been tried upon an elm, and succeeded.

454. It is manifest by experience, that flowers removed wax greater, because the nourishment is more easily come by in the loose earth. It may be, that oft regrafting of the same cion may likewise make fruit greater; as if you take a cion, and graft it upon a stock the first year; and then cut it off, and graft it upon another stock the second year; and so for a third or fourth year; and then let it rest, it will yield afterward, when it beareth, the greater fruit.

Of grafting there are many experiments worth the noting, but those we reserve to a proper place.

455. It maketh figs better, if a fig-tree, when it beginneth to put forth leaves, have his top cut off. The cause is plain, for that the sap hath the less to feed, and the less way to mount: but it may be the fig will come somewhat later, as was formerly touched. The same may be tried likewise in other trees.

456. It is reported, that mulberries will be fairer, and the trees more fruitful, if you bore the trunk of the tree through in several places, and thrust into the places bored wedges of some hot trees, as turpentine, mastic-tree, guaiacum, juniper, &c. The cause may be, for that adventive heat doth cheer up the native juice of the tree.

457. It is reported, that trees will grow greater, and bear better fruit, if you put salt, or lees of wine, or blood to the root. The cause may be the increasing the lust or spirit of the root; these things being more forcible than ordinary composts.

458. It is reported by one of the ancients, that artichokes will be less prickly, and more tender,

if the seeds have their tops dulled, or grated off upon a stone.

459. Herbs will be tenderer and fairer, if you take them out of beds, when they are newly come up, and remove them into pots with better earth. The remove from bed to bed was spoken of before; but that was in several years; this is upon the sudden. The cause is the same with other removes formerly mentioned.

460. Coleworts are reported by one of the ancients to prosper exceedingly, and to be better tasted, if they be sometimes watered with salt water; and much more with water mixed with nitre; the spirit of which is less adurent than salt.

461. It is reported that cucumbers will prove more tender and dainty, if their seeds be steeped a little in milk; the cause may be, for that the seed being mollified with the milk, will be too weak to draw the grosser juice of the earth, but only the finer. The same experiment may be made in artichokes and other seeds, when you would take away either their flashiness or bitterness. They speak also, that the like effect followeth of steeping in water mixed with honey; but that seemeth to me not so probable, because honey hath too quick a spirit.

462. It is reported, that cucumbers will be less watery, and more melon-like, if in the pit where you set them, you fill it, half-way up, with chaff or small sticks, and then pour earth upon them; for cucumbers, as it seemeth, do extremely affect moisture, and over-drink themselves; which the chaff or chips forbiddeth. Nay, it is farther reported, that if, when a cucumber is grown, you set a pot of water about five or six inches distance from it, it will, in twenty-four hours, shoot so much out as to touch the pot; which, if it be true, is an experiment of a higher nature than belongeth to this title: for it discovereth perception in plants, to move towards that which should help and comfort them, though it be at a distance. The ancient tradition of the vine is far more strange; it is, that if you set a stake or prop at some distance from it, it will grow that way; which is far stranger, as is said, than the other: for that water may work by a sympathy of attraction; but this of the stake seemeth to be a reasonable discourse.

463. It hath been touched before, that terebration of trees doth make them prosper better. But it is found also, that it maketh the fruit sweeter and better. The cause is, for that, notwithstanding the terebration, they may receive aliment sufficient, and yet no more than they can well turn and digest: and withal do sweat out the coarsest and unprofitablest juice; even as it is in living creatures, which by moderate feeding, and exercise, and sweat, attain the soundest habit of body.

464. As terebration doth meliorate fruit, so upon the like reason doth letting of plants blood; as pricking vines, or other trees, after they be of some growth; and thereby letting forth gum or tears; though this be not to continue, as it is in terebration, but at some seasons. And it is reported, that by this artifice bitter almonds have been turned into sweet.

465. The ancients for the dulcorating of fruit do commend swine's dung above all other dung; which may be because of the moisture of that beast, whereby the excrement hath less acrimony; for we see swine's and pig's flesh is the moistest of fleshes.

466. It is observed by some, that all herbs wax sweeter, both in smell and taste, if after they be grown up some reasonable time, they be cut, and so you take the latter sprout. The cause may be, for that the longer the juice stayeth in the root and stalk, the better it concocteth. For one of the chief causes why grains, seeds, and fruits, are more nourishing than leaves, is the length of time in which they grow to maturation. It were not amiss to keep back the sap of herbs, or the like, by some fit means, till the end of summer; whereby, it may be, they will be more nourishing.

467. As grafting doth generally advance and meliorate fruits, above that which they would be if they were set of kernels or stones, in regard the nourishment is better concocted; so, no doubt, even in grafting, for the same cause, the choice of the stock doth much; always provided, that it be somewhat inferior to the cion; for otherwise it dulleth it. They commend much the grafting of pears or apples upon a quince.

468. Besides the means of melioration of fruits before-mentioned, it is set down as tried, that a mixture of bran and swine's dung, or chaff and swine's dung, especially laid up together for a month to rot, is a very great nourisher and comforter to a fruit-tree.

469. It is delivered, that onions wax greater if they be taken out of the earth, and laid a drying twenty days, and then set again; and yet more, if the outermost pill be taken off all over.

470. It is delivered by some, that if one take the bough of a low fruit-tree newly budded, and draw it gently, without hurting it, into an earthen pot perforate at the bottom to let in the plant, and then cover the pot with earth, it will yield a very large fruit within the ground. Which experiment is nothing but potting of plants without removing, and leaving the fruit in the earth. The like, they say, will be effected by an empty pot without earth in it put over a fruit, being propped up with a stake, as it hangeth upon the tree; and the better, if some few pertusions be made in the pot. Wherein, besides the defending of the fruit from extremity of sun or weather, some give a reason, that the fruit loving and coveting the open air and sun, is invited by those pertusions to spread and approach as near the open air as it can; and so enlargeth in magnitude.

471. All trees in high and sandy grounds are to be set deep; and in watery grounds more shallow. And in all trees, when they be removed, especially fruit-trees, care ought to be taken, that the sides of the trees be coasted, north and south, &c. as they stood before. The same is said also of stone out of the quarry, to make it more durable; though that seemeth to have less reason; because the stone lieth not so near the sun, as the tree groweth.

472. Timber trees in a coppice wood do grow

better than in an open field; both because they offer not to spread so much, but shoot up still in height; and chiefly because they are defended from too much sun and wind, which do check the growth of all fruit; and so, no doubt, fruit-trees, or vines, set upon a wall against the sun, between elbows or buttresses of stone, ripen more than upon a plain wall.

473. It is said, that if potado-roots be set in a pot filled with earth, and then the pot with earth be set likewise within the ground some two or three inches, the roots will grow greater than ordinary. The cause may be, for that having earth enough within the pot to nourish them; and then being stopped by the bottom of the pot from putting strings downward, they must needs grow greater in breadth and thickness. And it may be, that all seeds or roots potted, and so set into the earth, will prosper the better.

474. The cutting off the leaves of radish, or other roots, in the beginning of winter, before they wither, and covering again the root something high with earth, will preserve the root all winter, and make it bigger in the spring following, as hath been partly touched before. So that there is a double use of this cutting off the leaves; for in plants where the root is the esculent, as radish and parsnips, it will make the root the greater; and so it will do to the heads of onions. And where the fruit is the esculent, by strengthening the root, it will make the fruit also the greater.

475. It is an experiment of great pleasure, to make the leaves of shady trees larger than ordinary. It hath been tried for certain that a cion of a weech-elm, grafted upon the stock of an ordinary elm, will put forth leaves almost as broad as the brim of one's hat. And it is very likely, that as in fruit-trees the graft maketh a greater fruit; so in trees that bear no fruit, it will make the greater leaves. It would be tried therefore in trees of that kind chiefly, as birch, asp, willow; and especially the shining willow, which they call swallow-tail, because of the pleasure of the leaf.

476. The barrenness of trees by accident, besides the weakness of the soil, seed, or root, and the injury of the weather, cometh either of their overgrowing with moss, or their being hide-bound, or their planting too deep, or by issuing of the sap too much into the leaves. For all these there are remedies mentioned before.

Experiments in consort touching compound fruits and flowers.

We see that in living creatures, that have male and female, there is copulation of several kinds; and so compound creatures; as the mule, that is generated betwixt the horse and the ass; and some other compounds which we call monsters, though more rare; and it is held that that proverb, "Africa semper aliquid monstri parit," cometh, for that the fountains of waters there being rare, divers sorts of beasts come from several parts to drink; and so being refreshed, fall to couple, and many times with several kinds. The compounding or mixture of stocks in plants is not found out; which, nevertheless, if it be possible, is more at command than that of living creatures; for that their lust requireth a voluntary motion; wherefore it were one of the most noble experiments touching plants to find it out: for so you may have great variety of new fruits and flowers yet unknown. Grafting doth it not; that mendeth the fruit, or doubleth the flowers, &c. but it hath not the power to make a new kind. For the cion ever overruleth the stock.

477. It hath been set down by one of the ancients, that if you take two twigs of several fruit-trees, and flat them on the sides, and then bind them close together and set them in the ground, they will come up in one stock; but yet they will put forth their several fruits without any commixture in the fruit. Wherein note, by the way, that unity of continuance is easier to procure than unity of species. It is reported also, that vines of red and white grapes being set in the ground, and the upper parts being flatted and bound close together, will put forth grapes of the several colours upon the same branch; and grape-stones of several colours within the same grape: but the more after a year or two; the unity, as it seemeth, growing more perfect. And this will likewise help, if from the first uniting they be often watered; for all moisture helpeth to union. And it is prescribed also to bind the bud as soon as it cometh forth, as well as the stock, at the least for a time.

478. They report, that divers seeds put into a clout, and laid in earth well dunged, will put up plants contiguous; which, afterwards, being bound in, their shoots will incorporate. The like is said of kernels put into a bottle with a narrow mouth filled with earth.

479. It is reported, that young trees of several kinds set contiguous without any binding, and very often watered, in a fruitful ground, with the very luxury of the trees will incorporate and grow together. Which seemeth to me the likeliest means that hath been propounded; for that the binding doth hinder the natural swelling of the tree; which, while it is in motion, doth better unite.

Experiments in consort touching the sympathy and antipathy of plants.

There are many ancient and received traditions and observations touching the sympathy and antipathy of plants; for that some will thrive best growing near others, which they impute to sympathy; and some worse, which they impute to antipathy. But these are idle and ignorant conceits, and forsake the true indication of the causes, as the most part of experiments that concern sympathies and antipathies do. For as to plants, neither is there any such secret friendship or hatred as they imagine; and if we should be content to call it sympathy and antipathy, it is utterly mistaken; for their sympathy is an antipathy, and their antipathy is a sympathy: for it is thus; Wheresoever one plant draweth a particular juice out of the earth, as it qualifieth the earth, so that juice which remaineth is fit for the other plant; there the neighbourhood doth good, because the nourishments are contrary or several: but where two plants draw much the

same juice, there the neighbourhood hurteth, for the one deceiveth the other.

480. First therefore, all plants that do draw much nourishment from the earth, and so soak the earth and exhaust it, hurt all things that grow by them; as great trees, especially ashes, and such trees as spread their roots near the top of the ground. So the colewort is not an enemy, though that were anciently received, to the vine only; but it is an enemy to any other plant, because it draweth strongly the fattest juice of the earth. And if it be true, that the vine when it creepeth near the colewort will turn away, this may be, because there it findeth worse nourishment; for though the root be where it was, yet, I doubt, the plant will bend as it nourisheth.

481. Where plants are of several natures, and draw several juices out of the earth, there, as hath been said, the one set by the other helpeth: as it is set down by divers of the ancients, that rue doth prosper much, and becometh stronger, if it be set by a fig-tree; which, we conceive, is caused not by reason of friendship, but by extraction of a contrary juice: the one drawing juice fit to result sweet, the other bitter. So they have set down likewise, that a rose set by garlic is sweeter: which likewise may be, because the more fetid juice of the earth goeth into the garlic, and the more odorate into the rose.

482. This we see manifestly, that there be certain corn-flowers which come seldom or never in other places, unless thay be set, but only amongst corn; as the blue bottle, a kind of yellow marygold, wild poppy, and fumitory. Neither can this be, by reason of the culture of the ground, by ploughing or furrowing: as some herbs and flowers will grow but in ditches new cast; for if the ground lie fallow and unsown, they will not come: so as it should seem to be the corn that qualifieth the earth, and prepareth it for their growth.

483. This observation, if it holdeth, as it is very probable, is of great use for the meliorating of taste in fruits and esculent herbs, and of the scent of flowers. For I do not doubt, but if the fig-tree do make the rue more strong and bitter, as the ancients have noted, good store of rue planted about the fig-tree will make the fig more sweet. Now the tastes that do most offend in fruits, and herbs, and roots, are bitter, harsh, sour, and waterish, or flashy. It were good therefore to make the trials following:

484. Take wormwood, or rue, and set it near lettuce, or the coleflory, or artichoke, and see whether the lettuce, or the coleflory, &c. become not the sweeter.

485. Take a service-tree, or a cornelian-tree, or an elder-tree, which we know have fruits of harsh and binding juice, and set them near a vine, or fig-tree, and see whether the grapes or figs will not be the sweeter.

486. Take cucumbers, or pumpions, and set them, here and there, amongst musk-melons, and see whether the melons will not be more winy, and better tasted. Set cucumbers, likewise, amongst radish, and see whether the radish will not be made the more biting.

487. Take sorrel, and set it amongst rasps, and see whether the rasps will not be the sweeter.

488. Take common briar, and set it amongst violets or wall-flowers, and see whether it will not make the violets or wall-flowers sweeter, and less earthy in their smell. So set lettuce or cucumbers amongst rosemary or bays, and see whether the rosemary or bays will not be the more odorate or aromatical.

489. Contrariwise, you must take heed how you set herbs together, that draw much the like juice. And therefore I think rosemary will lose the sweetness, if it be set with lavender, or bays, or the like. But yet if you will correct the strength of an herb, you shall do well to set other like herbs by him to take him down; as if you should set tansey by angelica, it may be the angelica would be the weaker, and fitter for mixture in perfume. And if you should set rue by common wormwood, it may be the wormwood would turn to be liker Roman wormwood.

490. This axiom is of large extent; and therefore would be severed, and refined by trial. Neither must you expect to have a gross difference by this kind of culture, but only farther perfection.

491. Trial would be also made in herbs poisonous and purgative, whose ill quality, perhaps, may be discharged, or attempered, by setting stronger poisons or purgatives by them.

492. It is reported, that the shrub called our ladies seal, which is a kind of briony, and coleworts, set near together, one or both will die. The cause is, for that they be both great depredators of the earth, and one of them starveth the other. The like is said of a reed and a brake: both which are succulent; and therefore the one deceiveth the other. And the like of hemlock and rue; both which draw strong juices.

493. Some of the ancients, and likewise divers of the modern writers, that have laboured in natural magic, have noted a sympathy between the sun, moon, and some principal stars, and certain herbs and plants. And so they have denominated some herbs solar, and some lunar; and such like toys put into great words. It is manifest that there are some flowers that have respect to the sun in two kinds, the one by opening and shutting, and the other by bowing and inclining the head. For marygolds, tulips, pimpernel, and indeed most flowers, do open and spread their leaves abroad when the sun shineth serene and fair: and again, in some part, close them, or gather them inward, either towards night, or when the sky is over-cast. Of this there needeth no such solemn reason to be assigned; as to say, that they rejoice at the presence of the sun, and mourn at the absence thereof. For it is nothing else but a little loading of the leaves, and swelling them at the bottom, with the moisture of the air; whereas the dry air doth extend them; and they make it a piece of the wonder, that garden clover will hide the stalk when the sun showeth bright: which is nothing but a full expansion of the leaves. For the bowing and inclining of the head, it is found

in the great flower of the sun, in marygolds, wartwort, mallow-flowers, and others. The cause is somewhat more obscure than the former; but I take it to be no other, but that the part against which the sun beateth waxeth more faint and flaccid in the stalk, and thereby less able to support the flower.

494. What a little moisture will do in vegetables, even though they be dead and severed from the earth, appeareth well in the experiment of jugglers. They take the beard of an oat; which, if you mark it well, is wreathed at the bottom, and one smooth entire straw at the top. They take only the part that is wreathed, and cut off the other, leaving the beard half the breadth of a finger in length. Then they make a little cross of a quill, longways of that part of the quill which hath the pith; and cross-ways of that piece of the quill without pith; the whole cross being the breadth of a finger high. Then they prick the bottom where the pith is, and thereunto they put the oaten beard, leaving half of it sticking forth of the quill: then they take a little white box of wood, to deceive men, as if somewhat in the box did work the feat: in which, with a pin, they make a little hole, enough to take the beard, but not to let the cross sink down, but to stick. Then likewise, by way of imposture, they make a question; as, Who is the fairest woman in the company? or, Who hath a glove or a card? and cause another to name divers persons: and upon every naming they stick the cross in the box, having first put it towards their mouth, as if they charmed it; and the cross stirreth not; but when they come to the person that they would take, as they hold the cross to their mouth, they touch the beard with the tip of their tongue, and wet it; and so stick the cross in the box; and then you shall see it turn finely and softly three or four turns; which is caused by the untwining of the beard by the moisture. You may see it more evidently, if you stick the cross between your fingers instead of the box; and therefore you may see, that this motion, which is effected by so little wet, is stronger than the closing or bending of the head of a marygold.

495. It is reported by some, that the herb called ros solis, whereof they make strong waters, will, at the noon-day, when the sun shineth hot and bright, have a great dew upon it. And therefore that the right name is ros solis: which they impute to a delight and sympathy that it hath with the sun. Men favour wonders. It were good first to be sure, that the dew that is found upon it, be not the dew of the morning preserved, when the dew of other herbs is breathed away; for it hath a smooth and thick leaf, that doth not discharge the dew so soon as other herbs that are more spungy and porous. And, it may be, purslane, or some other herb, doth the like, and is not marked. But if it be so, that it hath more dew at noon than in the morning, then sure it seemeth to be an exudation of the herb itself. As plums sweat when they are set in the oven: for you will not, I hope, think, that it is like Gideon's fleece of wool, that the dew should fall upon that and no where else.

496. It is certain, that the honey dews are found more upon oak leaves, than upon ash, or beech, or the like: but whether any cause be from the leaf itself to concoct the dew; or whether it be only that the leaf is close and smooth, and therefore drinketh not in the dew, but preserveth it, may be doubted. It would be well inquired, whether manna the drug doth fall but upon certain herbs or leaves only. Flowers that have deep sockets, do gather in the bottom a kind of honey; as honey-suckles, both the woodbine and the trefoil, lilies, and the like. And in them certainly the flower beareth part with the dew.

497. The experience is, that the froth which they call woodseare, being like a kind of spittle, is found but upon certain herbs, and those hot ones; as lavender, lavender-cotton, sage, hyssop, &c. Of the cause of this inquire farther; for it seemeth a secret. There falleth also mildew upon corn, and smutteth it; but it may be, that the same falleth also upon other herbs, and is not observed.

498. It were good trial were made, whether the great consent between plants and water, which is a principal nourishment of them, will make an attraction at distance, and not at touch only. Therefore take a vessel, and in the middle of it make a false bottom of coarse canvas: fill it with earth above the canvas, and let not the earth be watered; then sow some good seeds in that earth; but under the canvas, some half a foot in the bottom of the vessel, lay a great spunge thoroughly wet in water; and let it lie so some ten days, and see whether the seeds will sprout, and the earth become more moist, and the spunge more dry. The experiment formerly mentioned of the cucumber creeping to the pot of water, is far stranger than this.

Experiments in consort touching the making herbs and fruits medicinable.

499. The altering of the scent, colour, or taste of fruit, by infusing, mixing, or letting into the bark, or root of the tree, herb, or flower, any coloured, aromatical, or medicinal substance, are but fancies. The cause is, for that those things have passed their period, and nourish not. And all alteration of vegetables in those qualities must be by somewhat that is apt to go into the nourishment of the plant. But this is true, that where kine feed upon wild garlic, their milk tasteth plainly of the garlic: and the flesh of muttons is better tasted where the sheep feed upon wild thyme, and other wholesome herbs. Galen also speaketh of the curing of the scirrus of the liver, by milk of a cow that feedeth but upon certain herbs; and honey in Spain smelleth apparently of the rosemary, or orange, from whence the bee gathereth it: and there is an old tradition of a maiden that was fed with napellus; which is counted the strongest poison of all vegetables, which with use did not hurt the maid, but poisoned some that had carnal company with her. So it is observed by some, that there is a virtuous bezoar, and another without virtue, which appear to the show alike: but the virtuous is taken from the beast that feedeth upon the mountains, where there are theriacal herbs; and that without virtue, from

those that feed in the valleys where no such herbs are. Thus far I am of opinion, that as steeped wines and beers are very medicinal; and likewise bread tempered with divers powders; so of meat also, as flesh, fish, milk, and eggs, that they may be made of great use for medicine and diet, if the beasts, fowl or fish, be fed with a special kind of food fit for the disease. It were a dangerous thing also for secret empoisonments. But whether it may be applied unto plants and herbs, I doubt more; because the nourishment of them is a more common juice; which is hardly capable of any special quality, until the plant do assimilate it.

500. But lest our incredulity may prejudice any profitable operations in this kind, especially since many of the ancients have set them down, we think good briefly to propound the four means which they have devised of making plants medicinable. The first is by slitting of the root, and infusing into it the medicine; as hellebore, opium, scammony, treacle, &c. and then binding it up again. This seemeth to me the least probable; because the root draweth immediately from the earth; and so the nourishment is the more common and less qualified; and besides, it is a long time in going up ere it come to the fruit. The second way is to perforate the body of the tree, and there to infuse the medicine; which is somewhat better: for if any virtue be received from the medicine, it hath the less way, and the less time to go up. The third is, the steeping of the seed or kernel in some liquor wherein the medicine is infused; which I have little opinion of, because the seed, I doubt, will not draw the parts of the matter which have the propriety: but it will be far the more likely, if you mingle the medicine with dung: for that the seed naturally drawing the moisture of the dung, may call in withal some of the propriety. The fourth is, the watering of the plant oft with an infusion of the medicine. This, in one respect, may have more force than the rest, because the medication is oft renewed; whereas the rest are applied but one at a time; and therefore the virtue may the sooner vanish. But still I doubt, that the root is somewhat too stubborn to receive those fine impressions: and besides, as I said before, they have a great hill to go up. I judge therefore the likeliest way to be, the perforation of the body of the tree in several places one above the other; and the filling of the holes with dung mingled with the medicine; and the watering of those lumps of dung with squirts of an infusion of the medicine in dunged water, once in three or four days.

CENTURY VI.

Experiments in consort touching curiosities about fruits and plants.

OUR experiments we take care to be, as we have often said, either experimenta fructifera, or lucifera; either of use or of discovery: for we hate impostures, and despise curiosities. Yet because we must apply ourselves somewhat to others, we will set down some curiosities touching plants.

501. It is a curiosity to have several fruits upon one tree; and the more, when some of them come early, and some come late; so that you may have upon the same tree ripe fruits all summer. This is easily done by grafting of several cions upon several boughs of a stock, in a good ground plentifully fed. So you may have all kinds of cherries, and all kinds of plums, and peaches and apricots, upon one tree; but I conceive the diversity of fruits must be such as will graft upon the same stock. And therefore I doubt, whether you can have apples, or pears, or oranges, upon the same stock upon which you graft plums.

502. It is a curiosity to have fruits of divers shapes and figures. This is easily performed, by molding them when the fruit is young, with molds of earth or wood. So you may have cucumbers, &c. as long as a cane; or as round as a sphere; or formed like a cross. You may have also apples in the form of pears or lemons. You may have also fruit in more accurate figures, as we said, of men, beasts, or birds, according as you make the molds. Wherein you must understand, that you make the mold big enough to contain the whole fruit when it is grown to the greatest: for else you will choke the spreading of the fruit; which otherwise would spread itself, and fill the concave, and so be turned into the shape desired; as it is in mold works of liquid things. Some doubt may be conceived that the keeping of the sun from the fruit may hurt it: but there is ordinary experience of fruit that groweth covered. Query, also, whether some small holes may not be made in the wood to let in the sun. And note, that it were best to make the molds partible, glued, or cemented together, that you may open them when you take out the fruit.

503. It is a curiosity to have inscriptions, or engravings, in fruit or trees. This is easily performed, by writing with a needle, or bodkin, or knife, or the like, when the fruit or trees are young; for as they grow, so the letters will grow more large and graphical.

> — Tenerisque meos incidere amores
> Arboribus; crescent illæ, crescetis amores.

504. You may have trees apparelled with flowers or herbs, by boring holes in the bodies of them, and putting into them earth holpen with muck, and setting seeds or slips of violets, strawberries, wild thyme, camomile, and such like, in the earth. Wherein they do but grow in the tree as they do in pots; though, perhaps, with some feeding from the trees. It would be tried also with shoots of vines,

and roots of red roses; for, it may be, they, being of a more ligneous nature, will incorporate with the tree itself.

505. It is an ordinary curiosity to form trees and shrubs, as rosemary, juniper, and the like, into sundry shapes; which is done by molding them within, and cutting them without. But they are but lame things, being too small to keep figure; great castles made of trees upon frames of timber, with turrets and arches, were matters of magnificence.

506. Amongst curiosities I shall place coloration, though it be somewhat better: for beauty in flowers is their pre-eminence. It is observed by some, that gilly-flowers, sweet-williams, violets, that are coloured, if they be neglected, and neither watered, nor new molded, nor transplanted, will turn white. And it is probable that the white with much culture may turn coloured. For this is certain, that the white colour cometh of scarcity of nourishment; except in flowers that are only white, and admit no other colours.

507. It is good therefore to see what natures do accompany what colours; for by that you shall have light how to induce colours, by producing those natures. Whites are more inodorate, for the most part, than flowers of the same kind coloured; as is found in single white violets, white roses, white gilly-flowers, white stock-gilly-flowers, &c. We find also that blossoms of trees, that are white, are commonly inodorate, as cherries, pears, plums; whereas those of apples, crabs, almonds, and peaches, are bloshy, and smell sweet. The cause is, for that the substance that maketh the flower is of the thinnest and finest of the plant, which also maketh flowers to be of so dainty colours. And if it be too sparing and thin, it attaineth no strength of odour, except it be in such plants as are very succulent; whereby they need rather to be scanted in their nourishment than replenished, to have them sweet. As we see in white satyrion, which is of a dainty smell; and in bean-flowers, &c. And again, if the plant be of nature to put forth white flowers only, and those not thin or dry, they are commonly of rank and fulsome smell; as may-flowers, and white lilies.

508. Contrariwise, in berries the white is commonly more delicate and sweet in taste than the coloured, as we see in white grapes, in white rasps, in white strawberries, in white currants, &c. The cause is, for that the coloured are more juiced, and coarser juiced, and therefore not so well and equally concocted; but the white are better proportioned to the digestion of the plant.

509. But in fruits the white commonly is meaner: as in pear-plums, damascenes, &c. and the choicest plums are black; the mulberry, which, though they call it a berry, is a fruit, is better the black than the white. The harvest white plum is a base plum; and the verdoccio, and white date-plum, are no very good plums. The cause is, for that they are all over-watery; whereas a higher concoction is required for sweetness, or pleasure of taste; and therefore all your dainty plums are a little dry, and come from the stone; as the muscle-plum, the damascene-plum, the peach, the apricot, &c. yet some fruits, which grow not to be black, are of the nature of berries, sweetest such as are paler; as the cœur-cherry, which inclineth more to white, is sweeter than the red; but the egriot is more sour.

510. Take gilly-flower seed, of one kind of gilly-flower, as of the clove-gilly-flower, which is the most common, and sow it, and there will come up gilly-flowers, some of one colour, and some of another, casually, as the seed meeteth with nourishment in the earth; so that the gardeners find, that they may have two or three roots amongst a hundred that are rare and of great price; as purple, carnation of several stripes: the cause is, no doubt, that in earth, though it be contiguous, and in one bed, there are very several juices; and as the seed doth casually meet with them, so it cometh forth. And it is noted especially, that those which do come up purple, do always come up single: the juice as it seemeth, not being able to suffice a succulent colour, and a double leaf. This experiment of several colours coming up from one seed, would be tried also in larks-foot, monks-hood, poppy, and holyoak.

511. Few fruits are coloured red within: the queen-apple is; and another apple, called the rose-apple: mulberries, likewise, and grapes, though most toward the skin. There is a peach also that hath a circle of red towards the stone: and the egriot cherry is somewhat red within; but no pear, nor warden, nor plum, nor apricot, although they have many times red sides, are coloured red within. The cause may be inquired.

512. The general colour of plants is green, which is a colour that no flower is of. There is a greenish primrose, but it is pale, and scarce a green. The leaves of some trees turn a little murry or reddish; and they be commonly young leaves that do so; as it is in oaks, and vines, and hazel. Leaves rot into a yellow, and some hollies have part of their leaves yellow, that are, to all seeming, as fresh and shining as the green. I suppose also, that yellow is a less succulent colour than green, and a degree nearer white. For it hath been noted, that those yellow leaves of holly stand ever towards the north or north-east. Some roots are yellow, as carrots; and some plants blood-red, stalk and leaf, and all, as amaranthus. Some herbs incline to purple and red; as a kind of sage doth, and a kind of mint, and rosa solis, &c. And some have white leaves, as another kind of sage, and another kind of mint; but azure and a fair purple are never found in leaves. This showeth that flowers are made of a refined juice of the earth, and so are fruits; but leaves of a more coarse and common.

513. It is a curiosity also to make flowers double, which is effected by often removing them into new earth; as, on the contrary part, double flowers, by neglecting and not removing, prove single. And the way to do it speedily, is to sow or set seeds or slips of flowers, and as soon as they come up, to remove them into new ground that is good. Inquire also, whether inoculating of flowers, as stock-gilly-flowers, roses, musk-roses, &c. doth not make them double. There is a cherry-tree that hath double blossoms; but that tree beareth no fruit:

and it may be, that the same means which, applied to the tree, doth extremely accelerate the sap to rise and break forth, would make the tree spend itself in flowers, and those to become double: which were a great pleasure to see, especially in apple-trees, peach-trees, and almond-trees, that have blossoms blush-coloured.

514. The making of fruits without core or stone, is likewise a curiosity, and somewhat better: because whatsoever maketh them so, is like to make them more tender and delicate. If a cion or shoot, fit to be set in the ground, have the pith finely taken forth, and not altogether, but some of it left, the better to save the life, it will bear a fruit with little or no core or stone. And the like is said to be of dividing a quick tree down to the ground, and taking out the pith, and then binding it up again.

515. It is reported also, that a citron grafted upon a quince will have small or no seeds; and it is very probable that any sour fruit grafted upon a stock that beareth a sweeter fruit, may both make the fruit sweeter, and more void of the harsh matter of kernels or seeds.

516. It is reported, that not only the taking out of the pith, but the stopping of the juice of the pith from rising in the midst, and turning it to rise on the outside, will make the fruit without core or stone; as if you should bore a tree clean through, and put a wedge in. It is true, there is some affinity between the pith and the kernel, because they are both of a harsh substance, and both placed in the midst.

517. It is reported, that trees watered perpetually with warm water, will make a fruit with little or no core or stone. And the rule is general, that whatsoever will make a wild tree a garden tree, will make a garden tree to have less core or stone.

Experiments in consort touching the degenerating of plants, and of the transmutation of them one into another.

518. The rule is certain, that plants for want of culture degenerate to be baser in the same kind; and sometimes so far as to change into another kind. 1. The standing long, and not being removed, maketh them degenerate. 2. Drought, unless the earth of itself be moist, doth the like. 3. So doth removing into worse earth, or forbearing to compost the earth; as we see that water mint turneth into field mint, and the colewort into rape, by neglect, &c.

519. Whatsoever fruit useth to be set upon a root or a slip, if it be sown, will degenerate. Grapes sown, figs, almonds, pomegranate kernels sown, make the fruits degenerate and become wild. And again, most of those fruits that use to be grafted, if they be set of kernels, or stones, degenerate. It is true that peaches, as hath been touched before, do better upon stones set than upon grafting: and the rule of exception should seem to be this; that whatsoever plant requireth much moisture, prospereth better upon the stone or kernel, than upon the graft. For the stock, though it giveth a finer nourishment, yet it giveth a scanter than the earth at large.

520. Seeds if they be very cold, and yet have strength enough to bring forth a plant, make the plant degenerate. And therefore skilful gardeners make trial of the seeds before they buy them, whether they be good or no, by putting them into water gently boiled: and if they be good, they will sprout within half an hour.

521. It is strange which is reported, that basil too much exposed to the sun doth turn into wild thyme; although those two herbs seem to have small affinity: but basil is almost the only hot herb that hath fat and succulent leaves; which oiliness, if it be drawn forth by the sun, it is like it will make a very great change.

522. There is an old tradition, that boughs of oak put into the earth will put forth wild vines: which if it be true, no doubt, it is not the oak that turneth into a vine, but the oak-bough putrifying, qualifieth the earth to put forth a vine of itself.

523. It is not impossible, and I have heard it verified, that upon cutting down of an old timber tree, the stub hath put out sometimes a tree of another kind; as that beech hath put forth birch; which, if it be true, the cause may be, for that the old stub is too scant of juice to put forth the former tree; and therefore putteth forth a tree of a smaller kind, that needeth less nourishment.

524. There is an opinion in the country, that if the same ground be oft sown with the grain that grew upon it, it will in the end grow to be of a baser kind.

525. It is certain, that in very sterile years corn sown will grow to another kind.

> "Grandia sæpe quibus mandavimus hordea sulcis,
> Infelix lolium, et steriles dominantur avenæ."

And generally it is a rule, that plants that are brought forth by culture, as corn, will sooner change into other species, than those that come of themselves; for that culture giveth but an adventitious nature, which is more easily put off.

This work of the transmutation of plants one into another, is inter magnalia naturæ; for the transmutation of species is, in the vulgar philosophy, pronounced impossible: and certainly it is a thing of difficulty, and requireth deep search into nature; but seeing there appear some manifest instances of it, the opinion of impossibility is to be rejected, and the means thereof to be found out. We see, that in living creatures, that come of putrefaction, there is much transmutation of one into another; as caterpillars turn into flies, &c. And it should seem probable, that whatsoever creature, having life, is generated without seed, that creature will change out of one species into another. For it is the seed, and the nature of it, which locketh and boundeth in the creature, that it doth not expatiate. So as we may well conclude, that seeing the earth of itself doth put forth plants without seed, therefore plants may well have a transmigration of species. Wherefore, wanting instances which do occur, we shall give directions of the most likely trials: and generally we would not have those that read this our work of "Sylva sylvarum" account it strange,

or think that it is an over-haste, that we have set down particulars untried; for contrariwise, in our own estimation, we account such particulars more worthy than those that are already tried and known: for these latter must be taken as you find them; but the other do level point-blank at the inventing of causes and axioms.

526. First therefore, you must make account, that if you will have one plant change into another, you must have the nourishment overrule the seed: and therefore you are to practise it by nourishment as contrary as may be to the nature of the herb, so nevertheless as the herb may grow; and likewise with seeds that are of the weakest sort, and have least vigour. You shall do well, therefore, to take marsh-herbs, and plant them upon tops of hills and champaigns; and such plants as require much moisture, upon sandy and very dry grounds. As for example, marsh-mallows and sedge, upon hills; cucumber, and lettuce seeds, and coleworts, upon a sandy plot; so contrariwise, plant bushes, heath, flag, and brakes, upon a wet or marsh ground. This I conceive also, that all esculent and garden herbs, set upon the tops of hills, will prove more medicinal, though less esculent, then they were before. And it may be likewise, some wild herbs you may make sallad herbs. This is the first rule for transmutation of plants.

527. The second rule shall be, to bury some few seeds of the herb you would change, amongst other seeds; and then you shall see whether the juice of those other seeds do not so qualify the earth, as it will alter the seed whereupon you work. As for example, put parsley seed amongst onion seed, or lettuce seed amongst parsley seed, or basil seed amongst thyme seed; and see the change of taste or otherwise. But you shall do well to put the seed you would change into a little linen cloth, that it mingle not with the foreign seed.

528. The third rule shall be, the making of some medley or mixture of earth with some other plants bruised or shaven either in leaf or root; as for example, make earth with a mixture of colewort leaves stamped, and set in it artichokes or parsnips; to take earth made with marjoram, or origanum, or wild thyme, bruised or stamped, and set in it fennel seed, &c. In which operation the process of nature still will be, as I conceive, not that the herb you work upon should draw the juice of the foreign herb, for that opinion we have formerly rejected, but that there will be a new confection of mold, which perhaps will alter the seed, and yet not to the kind of the former herb.

529. The fourth rule shall be, to mark what herbs some earths do put forth of themselves; and to take that earth, and to pot it, or to vessel it; and in that to set the seed you would change: as for example, take from under walls or the like, where nettles put forth in abundance, the earth which you shall there find, without any string or root of the nettles; and put that earth, and set in it stock-gilly-flowers, or wall-flowers, &c. or sow in the seeds of them; and see what the event will be: or take earth that you have prepared to put forth mushrooms of itself, whereof you shall find some instances following, and sow in it purslane seed, or lettuce seed; for in these experiments, it is likely enough that the earth being accustomed to send forth one kind of nourishment, will alter the new seed.

530. The fifth rule shall be, to make the herb grow contrary to its nature; as to make ground-herbs rise in height: as for example, carry camomile, or wild thyme, or the green strawberry, upon sticks, as you do hops upon poles; and see what the event will be.

531. The sixth rule shall be, to make plants grow out of the sun or open air; for that is a great mutation in nature, and may induce a change in the seed: as barrel up earth, and sow some seed in it, and put it in the bottom of a pond; or put it in some great hollow tree; try also the sowing of seeds in the bottoms of caves, and pots with seeds sown, hanged up in wells some distance from the water, and see what the event will be.

Experiments in consort touching the procerity, and lowness, and artificial dwarfing of trees.

532. It is certain, that timber trees in coppice woods grow more upright, and more free from under boughs, than those that stand in the fields: the cause whereof is, for that plants have a natural motion to get to the sun; and besides, they are not glutted with too much nourishment; for that the coppice shareth with them; and repletion ever hindereth stature: lastly, they are kept warm; and that ever in plants helpeth mounting.

533. Trees that are of themselves full of heat, which heat appeareth by their inflammable gums, as firs and pines, mount of themselves in height without side boughs, till they come towards the top. The cause is partly heat, and partly tenuity of juice, both which send the sap upwards. As for juniper, it is but a shrub, and groweth not big enough in body to maintain a tall tree.

534. It is reported, that a good strong canvass spread over a tree grafted low, soon after it putteth forth, will dwarf it, and make it spread. The cause is plain; for that all things that grow, will grow as they find room.

535. Trees are generally set of roots or kernels; but if you set them of slips, as of some trees you may, by name the mulberry, some of the slips will take; and those that take, as is reported, will be dwarf trees. The cause is, for that a slip draweth nourishment more weakly than either a root or kernel.

536. All plants that put forth their sap hastily, have their bodies not proportionable to their length; and therefore they are winders and creepers; as ivy, briony, hops, woodbine: whereas dwarfing requireth a slow putting forth, and less vigour of mounting.

Experiments in consort touching the rudiments of plants, and of the excrescences of plants, or super-plants.

The Scripture saith, that Solomon wrote a Natural History, "from the cedar of Libanus, to the moss growing upon the wall:" for so the best translations

have it. And it is true that moss is but the rudiment of a plant; and, as it were, the mold of earth or bark.

537. Moss groweth chiefly upon ridges of houses tiled or thatched, and upon the crests of walls; and that moss is of a lightsome and pleasant green. The growing upon slopes is caused, for that moss, as on the one side it cometh of moisture and water, so on the other side the water must but slide, and not stand or pool. And the growing upon tiles, or walls, &c. is caused, for that those dried earths, having not moisture sufficient to put forth a plant, do practise germination by putting forth moss; though when, by age, or otherwise, they grow to relent and resolve, they sometimes put forth plants, as wall-flowers. And almost all moss hath here and there little stalks, besides the low thrum.

538. Moss groweth upon alleys, especially such as lie cold and upon the north; as in divers terrasses: and again, if they be much trodden; or if they were at the first gravelled; for wheresoever plants are kept down, the earth putteth forth moss.

539. Old ground, that hath been long unbroken up, gathereth moss: and therefore husbandmen use to cure their pasture grounds when they grow to moss, by tilling them for a year or two: which also dependeth upon the same cause; for that the more sparing and starving juice of the earth, insufficient for plants, doth breed moss.

540. Old trees are more mossy far than young; for that the sap is not so frank as to rise all to the boughs, but tireth by the way, and putteth out moss.

541. Fountains have moss growing upon the ground about them;

"Muscosi fontes:"—

The cause is, for that the fountains drain the water from the ground adjacent, and leave but sufficient moisture to breed moss: and besides the coldness of the water conduceth to the same.

542. The moss of trees is a kind of hair; for it is the juice of the tree that is excerned, and doth not assimilate. And upon great trees the moss gathereth a figure like a leaf.

543. The moister sort of trees yield little moss; as we see in asps, poplars, willows, beeches, &c. which is partly caused for the reason that hath been given, of the frank putting up of the sap into the boughs; and partly for that the barks of those trees are more close and smooth than those of oaks and ashes; whereby the moss can the hardlier issue out.

544. In clay-grounds all fruit-trees grow full of moss, both upon body and boughs; which is caused partly by the coldness of the ground, whereby the plants nourish less; and partly by the toughness of the earth, whereby the sap is shut in, and cannot get up to spread so frankly as it should do.

545. We have said heretofore, that if trees be hidebound, they wax less fruitful, and gather moss; and that they are holpen by hacking, &c. And therefore, by the reason of contraries, if trees be bound in with cords, or some outward bands, they will put forth more moss: which, I think, happeneth to trees that stand bleak, and upon the cold winds. It would also be tried, whether, if you cover a tree somewhat thick upon the top after his polling, it will not gather more moss. I think also the watering of trees with cold fountain-water, will make them grow full of moss.

546. There is a moss the perfumers have which cometh out of apple trees, that hath an excellent scent. *Query*, particularly for the manner of the growth, and the nature of it. And for this experiment's sake, being a thing of price, I have set down the last experiment how to multiply and call on mosses.

Next unto moss, I will speak of mushrooms; which are likewise an imperfect plant. The mushrooms have two strange properties; the one, that they yield so delicious a meat; the other, that they come up so hastily, as in a night; and yet they are unsown. And therefore such as are upstarts in state, they call in reproach mushrooms. It must needs be, therefore, that they be made of much moisture; and that moisture fat, gross, and yet somewhat concocted. And, indeed, we find that mushrooms cause the accident which we call incubus, or the mare in the stomach. And therefore the surfeit of them may suffocate and empoison. And this showeth that they are windy; and that windiness is gross and swelling, not sharp or griping. And upon the same reason mushrooms are a venerous meat.

547. It is reported, that the bark of white or red poplar, which are of the moistest of trees, cut small, and cast into furrows well dunged, will cause the ground to put forth mushrooms at all seasons of the year fit to be eaten. Some add to the mixture leaven of bread dissolved in water.

548. It is reported, that if a hilly field, where the stubble is standing, be set on fire in a showery season, it will put forth great store of mushrooms.

549. It is reported, that hartshorn shaven, or in small pieces, mixed with dung and watered, putteth up mushrooms. And we know that hartshorn is of a fat and clammy substance; and, it may be, ox-horn would do the like.

550. It hath been reported, though it be scarce credible, that ivy hath grown out of a stag's horn; which they suppose did rather come from a confrication of the horn upon the ivy, than from the horn itself. There is not known any substance but earth, and the procedures of earth, as tile, stone, &c. that yieldeth any moss or herby substance. There may be trial made of some seeds, as that of fennel-seed, mustard-seed, and rape-seed, put into some little holes made in the horns of stags, or oxen, to see if they will grow.

551. There is also another imperfect plant, that in show is like a great mushroom: and it is sometimes as broad as one's hat; which they call a toad's stool; but it is not esculent; and it groweth, commonly, by a dead stub of a tree, and likewise about the roots of rotten trees: and therefore seemeth to take his juice from wood putrified. Which showeth, by the way, that wood putrified yieldeth a frank moisture.

552. There is a cake that groweth upon the side

of a dead tree, that hath gotten no name, but it is large, and of a chestnut colour, and hard and pithy: whereby it should seem, that even dead trees forget not their putting forth; no more than the carcasses of men's bodies, that put forth hair and nails for a time.

553. There is a cod, or bag, that groweth commonly in the fields; that at the first is hard like a tennis-ball, and white; and after groweth of a mushroom colour, and full of light dust upon the breaking; and is thought to be dangerous for the eyes if the powder get into them; and to be good for kibes. Belike it hath a corrosive and fretting nature.

554. There is an herb called Jew's ear, that groweth upon the roots and lower parts of the bodies of trees; especially of elders, and sometimes ashes. It hath a strange property; for in warm water it swelleth, and openeth extremely. It is not green, but of a dusky brown colour. And it is used for squinancies and inflammations in the throat; whereby it seemeth to have a mollifying and lenifying virtue.

555. There is a kind of spungy excrescence, which groweth chiefly upon the roots of the laser-tree; and sometimes upon cedar and other trees. It is very white, and light, and friable; which we call agarie. It is famous in physic for the purging of tough phlegm. And it is also an excellent opener for the liver; but offensive to the stomach: and in taste, it is at the first sweet, and after bitter.

556. We find no super-plant that is a formed plant, but misseltoe. They have an idle tradition, that there is a bird called a missel bird, that feedeth upon a seed, which many times she cannot digest, and so expelleth it whole with her excrement: which falling upon the bough of a tree that hath some sap, putteth forth the misseltoe. But this is a fable; for it is not probable that birds should feed upon that they cannot digest. But allow that, yet it cannot be for other reasons: for first, it is found but upon certain trees; and those trees bear no such fruit, as may allure that bird to sit and feed upon them. It may be, that bird feedeth upon the misseltoe-berries, and so is often found there; which may have given occasion to the tale. But that which maketh an end of the question is, that misseltoe hath been found to put forth under the boughs, and not only above the boughs; so it cannot be any thing that falleth upon the bough. Misseltoe groweth chiefly upon crab-trees, apple-trees, sometimes upon hazels, and rarely upon oaks; the misseltoe whereof is counted very medicinal. It is ever green winter and summer; and beareth a white glistering berry: and it is a plant utterly differing from the plant upon which it groweth. Two things therefore may be certainly set down: first, that superfœtation must be by abundance of sap in the bough that putteth it forth: secondly, that that sap must be such as the tree doth excern, and cannot assimilate; for else it would go into a bough; and besides, it seemeth to be more fat and unctuous than the ordinary sap of the tree; both by the berry, which is clammy; and by that it continueth green winter and summer, which the tree doth not.

557. This experiment of misseltoe may give light to other practices. Therefore trial would be made by ripping of the bough of a crab-tree in the bark; and watering of the wound every day with warm water dunged, to see if it would bring forth misseltoe, or any such like thing. But it were yet more likely to try it with some other watering or anointing, that were not so natural to the tree as water is; as oil, or barm of drink, &c. so they be such things as kill not the bough.

558. It were good to try what plants would put forth, if they be forbidden to put forth their natural boughs; poll therefore a tree, and cover it some thickness with clay on the top, and see what it will put forth. I suppose it will put forth roots; for so will a cion, being turned down into clay: therefore, in this experiment also, the tree would be closed with somewhat that is not so natural to the plant as clay is. Try it with leather, or cloth, or painting, so it be not hurtful to the tree. And it is certain, that a brake hath been known to grow out of a pollard.

559. A man may count the prickles of trees to be a kind of excrescence; for they will never be boughs, nor bear leaves. The plants that have prickles are thorns, black and white; brier, rose, lemon-trees, crab-trees, gooseberry, berberry; these have it in the bough: the plants that have prickles in the leaf are, holly, juniper, whin-bush, thistle; nettles also have a small venomous prickle; so hath borage, but harmless. The cause must be hasty putting forth, want of moisture, and the closeness of the bark; for the haste of the spirit to put forth, and the want of nourishment to put forth a bough, and the closeness of the bark, cause prickles in boughs; and therefore they are ever like a pyramis, for that the moisture spendeth after a little putting forth. And for prickles in leaves, they come also of putting forth more juice into the leaf than can spread in the leaf smooth, and therefore the leaves otherwise are rough, as borage and nettles are. As for the leaves of holly, they are smooth, but never plain, but as it were with folds, for the same cause.

560. There be also plants, that though they have no prickles, yet they have a kind of downy or velvet rind upon their leaves; as rose-campion, stock-gilly-flowers, colt's-foot; which down or nap cometh of a subtil spirit, in a soft or fat substance. For it is certain, that both stock-gilly-flowers and rose-campions, stamped, have been applied with success to the wrists of those that have had tertian or quartan agues; and the vapour of colt's-foot hath a sanative virtue towards the lungs; and the leaf also is healing in surgery.

561. Another kind of excrescence is an exudation of plants joined with putrefaction; as we see in oak-apples, which are found chiefly upon the leaves of oaks, and the like upon willows: and country people have a kind of prediction, that if the oak-apple broken be full of worms, it is a sign of a pestilent year; which is a likely thing, because they grow of corruption.

562. There is also upon sweet, or other brier, a fine tuft or brush of moss of divers colours; which if you cut you shall ever find full of little white worms.

Experiments in consort touching the producing of perfect plants without seed.

563. It is certain that earth taken out of the foundations of vaults and houses, and bottoms of wells, and then put into pots, will put forth sundry kinds of herbs: but some time is required for the germination: for if it be taken but from a fathom deep, it will put forth the first year; if much deeper, not till after a year or two.

564. The nature of the plants growing out of earth so taken up, doth follow the nature of the mold itself; as if the mold be soft and fine, it putteth forth soft herbs; as grass, plantain, and the like; if the earth be harder and coarser, it putteth forth herbs more rough, as thistles, firs, &c.

565. It is common experience, that where alleys are close gravelled, the earth putteth forth the first year knot grass, and after spire grass. The cause is, for that the hard gravel or pebble at the first laying will not suffer the grass to come forth upright, but turneth it to find his way where it can; but after that the earth is somewhat loosened at the top, the ordinary grass cometh up.

566. It is reported, that earth being taken out of shady and watery woods some depth, and potted, will put forth herbs of a fat and juicy substance; as penny-wort, purslane, houseleek, penny-royal, &c.

567. The water also doth send forth plants that have no roots fixed in the bottom; but they are less perfect plants, being almost but leaves, and those small ones; such is that we call duck weed, which hath a leaf no bigger than a thyme leaf, but of a fresher green, and putteth forth a little string into the water far from the bottom. As for the water lily it hath a root in the ground; and so have a number of other herbs that grow in ponds.

568. It is reported by some of the ancients, and some modern testimony likewise, that there be some plants that grow upon the top of the sea, being supposed to grow of some concretion of slime from the water, where the sun beateth hot, and where the sea stirreth little. As for alga marina, sea weed, and eryngium, sea thistle, both have roots; but the sea weed under the water, the sea thistle but upon the shore.

569. The ancients have noted, that there are some herbs that grow out of snow laid up close together and putrified, and that they are all bitter; and they name one specially, flomus, which we call moth-mullein. It is certain, that worms are found in snow commonly, like earth-worms; and therefore it is not unlike, that it may likewise put forth plants.

570. The ancients have affirmed, that there are some herbs that grow out of stone; which may be, for that it is certain that toads have been found in the middle of a free-stone. We see also that flints, lying above ground, gather moss; and wall-flowers, and some other flowers, grow upon walls; but whether upon the main brick or stone, or whether out of the lime or chinks, is not well observed: for elders and ashes have been seen to grow out of steeples; but they manifestly grow out of clefts; insomuch as when they grow big, they will disjoin the stone. And besides, it is doubtful whether the mortar itself putteth it forth, or whether some seeds be not let fall by birds. There be likewise rock-herbs; but I suppose those are where there is some mold or earth. It hath likewise been found, that great trees growing upon quarries have put down their root into the stone.

571. In some mines in Germany, as is reported, there grow in the bottom vegetables; and the work-folks use to say they have magical virtue, and will not suffer men to gather them.

572. The sea sands seldom bear plants. Whereof the cause is yielded by some of the ancients, for that the sun exhaleth the moisture before it can incorporate with the earth, and yield a nourishment for the plant. And it is affirmed also that sand hath always its root in clay; and that there be no veins of sand any great depth within the earth.

573. It is certain that some plants put forth for a time of their own store, without any nourishment from earth, water, stone, &c. of which vide the experiment 29.

Experiments in consort touching foreign plants.

574. It is reported that earth that was brought out of the Indies and other remote counties, for ballast of ships, cast upon some grounds in Italy, did put forth foreign herbs, to us in Europe not known; and, that which is more, that of their roots, barks, and seeds contused together, and mingled with other earth, and well watered with warm water, there came forth herbs much like the other.

575. Plants brought out of hot countries will endeavour to put forth at the same time that they usually do in their own climate; and therefore to preserve them, there is no more required, than to keep them from the injury of putting back by cold. It is reported also, that grain out of the hotter countries translated into the colder, will be more forward than the ordinary grain of the cold country. It is likely that this will prove better in grains than in trees, for that grains are but annual, and so the virtue of the seed is not worn out; whereas in a tree it is embased by the ground to which it is removed.

576. Many plants which grow in the hotter countries, being set in the colder, will nevertheless, even in those cold countries, being sown of seeds late in the spring, come up and abide most part of the summer; as we find it in orange and lemon seeds, &c. the seeds whereof sown in the end of April will bring forth excellent sallads, mingled with other herbs. And I doubt not, but the seeds of clove trees, and pepper seeds, &c. if they could come hither green enough to be sown, would do the like.

Experiments in consort touching the seasons in which plants come forth.

577. There be some flowers, blossoms, grains, and fruits, which come more early, and others which come more late in the year. The flowers that come early with us are primroses, violets, anemonies, water-daffodillies, crocus vernus, and some early

tulips. And they are all cold plants; which therefore, as it should seem, have a quicker perception of the heat of the sun increasing than the hot herbs have; as a cold hand will sooner find a little warmth than a hot. And those that come next after, are wall-flowers, cowslips, hyacinths, rosemary flowers, &c. and after them pinks, roses, flower-de-luces, &c. and the latest are gilly-flowers, holyoaks, larkafoot, &c. The earliest blossoms are the blossoms of peaches, almonds, cornelians, mezerions, &c. and they are of such trees as have much moisture, either watery or oily. And therefore crocus vernus also, being an herb that hath an oily juice, putteth forth early; for those also find the sun sooner than the drier trees. The grains are, first rye and wheat; then oats and barley; then peas and beans. For though green peas and beans be eaten sooner, yet the dry ones that are used for horse-meat, are ripe last; and it seemeth that the fatter grain cometh first. The earliest fruits are strawberries, cherries, gooseberries, currants; and after them early apples, early pears, apricots, rasps; and after them, damascenes, and most kind of plums, peaches, &c.; and the latest, are apples, wardens, grapes, nuts, quinces, almonds, sloes, brier-berries, hips, medlars, services, cornelians, &c.

578. It is to be noted, that, commonly, trees that ripen latest, blossom soonest; as peaches, cornelians, sloes, almonds, &c.; and it seemeth to be a work of providence that they blossom so soon; for otherwise they could not have the sun long enough to ripen.

579. There be fruits, but rarely, that come twice a year; as some pears, strawberries, &c. And it seemeth they are such as abound with nourishment; whereby after one period, before the sun waxeth too weak, they can endure another. The violet also, amongst flowers, cometh twice a year, especially the double white; and that also is a plant full of moisture. Roses come twice, but it is not without cutting, as hath been formerly said.

580. In Muscovy, though the corn come not up till late spring, yet their harvest is as early as ours. The cause is, for that the strength of the ground is kept in with the snow; and we see with us, that if it be a long winter, it is commonly a more plentiful year: and after those kind of winters likewise, the flowers and corn, which are earlier and later, do come commonly at once, and at the same time; which troubleth the husbandman many times; for you shall have red roses and damask roses come together; and likewise the harvest of wheat and barley. But this happeneth ever, for that the earlier stayeth for the later; and not that the later cometh sooner.

581. There be divers fruit trees in the hot countries, which have blossoms, and young fruit, and ripe fruit, almost all the year, succeeding one another. And it is said the orange hath the like with us, for a great part of summer; and so also hath the fig. And no doubt the natural motion of plants is to have so; but that either they want juice to spend; or they meet with the cold of the winter: and therefore this circle of ripening cannot be but in succulent plants, and hot countries.

582. Some herbs are but annual, and die, root and all, once a year; as borage, lettuce, cucumbers, musk-melons, basil, tobacco, mustard-seed, and all kinds of corn: some continue many years; as hyssop, germander, lavender, fennel, &c. The cause of the dying is double; the first is, the tenderness and weakness of the seed, which maketh the period in a small time; as it is in borage, lettuce, cucumbers, corn, &c. and therefore none of these are hot. The other cause is, for that some herbs can worse endure cold; as basil, tobacco, mustard-seed. And these have all much heat.

Experiments in consort touching the lasting of herbs and trees.

583. The lasting of plants is most in those that are largest of body: as oaks, elm, chestnut, the loat-tree, &c. and this holdeth in trees; but in herbs it is often contrary: for borage, colewort, pompions, which are herbs of the largest size, are of small durance; whereas hyssop, winter-savoury, germander, thyme, sage, will last long. The cause is, for that trees last according to the strength and quantity of their sap and juice; being well munited by their bark against the injuries of the air: but herbs draw a weak juice, and have a soft stalk; and therefore those amongst them which last longest, are herbs of strong smell, and with a sticky stalk.

584. Trees that bear mast, and nuts, are commonly more lasting than those that bear fruits; especially the moister fruits: as oaks, beeches, chestnuts, walnuts, almonds, pine trees, &c. last longer than apples, pears, plums, &c. The cause is the fatness and oiliness of the sap; which ever wasteth less than the more watery.

585. Trees that bring forth their leaves late in the year, and cast them likewise late, are more lasting than those that sprout their leaves early, or shed them betimes. The cause is, for that the late coming forth showeth a moisture more fixed; and the other more loose, and more easily resolved. And the same cause is, that wild trees last longer than garden trees; and in the same kind, those whose fruit is acid, more than those whose fruit is sweet.

586. Nothing procureth the lasting of trees, bushes, and herbs, so much as often cutting: for every cutting causeth a renovation of the juice of the plant; that it neither goeth so far, nor riseth so faintly, as when the plant is not cut; insomuch as annual plants, if you cut them seasonably, and will spare the use of them, and suffer them to come up still young, will last more years than one, as hath been partly touched; such as is lettuce, purslane, cucumber, and the like. And for great trees, we see almost all overgrowing trees in churchyards, or near ancient buildings, and the like, are pollards, or dottards, and not trees at their full height.

587. Some experiment would be made, how by art to make plants more lasting than their ordinary period: as to make a stalk of wheat, &c. last a whole year. You must ever presuppose, that you handle it so as the winter killeth it not; for we speak only of prolonging the natural period. I conceive that the rule will hold, that whatsoever maketh the

herb come later than at its time, will make it last longer time: it were good to try it in a stalk of wheat, &c. set in the shade, and encompassed with a case of wood, not touching the straw, to keep out open air.

As for the preservation of fruits and plants, as well upon the tree or stalk, as gathered, we shall handle it under the title of conservation of bodies.

Experiments in consort touching the several figures of plants.

588. The particular figures of plants we leave to their descriptions; but some few things in general we will observe. Trees and herbs, in the growing forth of their boughs and branches, are not figured, and keep no order. The cause is, for that the sap being restrained in the rind and bark, breaketh not forth at all, as in the bodies of trees, and stalks of herbs, till they begin to branch; and then when they make an eruption, they break forth casually, where they find best way in the bark or rind. It is true, that some trees are more scattered in their boughs; as sallow-trees, warden-trees, quince-trees, medlar-trees, lemon-trees, &c.; some are more in the form of a pyramis, and come almost to todd; as the pear-tree, which the critics will have to borrow his name of πῦρ, fire, orange-trees, fir-trees, service-trees, lime-trees, &c.; and some are more spread and broad; as beeches, hornbeam, &c.; the rest are more indifferent. The cause of scattering the boughs, is the hasty breaking forth of the sap; and therefore those trees rise not in a body of any height, but branch near the ground. The cause of the pyramis is the keeping in of the sap long before it branch; and the spending of it, when it beginneth to branch, by equal degrees. The spreading is caused by the carrying up of the sap plentifully without expense; and then putting it forth speedily and at once.

589. There be divers herbs, but no trees, that may be said to have some kind of order in the putting forth of their leaves: for they have joints or knuckles, as it were stops in their germination; as have gilly-flowers, pinks, fennel, corn, reeds, and canes. The cause whereof is, for that the sap ascendeth unequally, and doth, as it were, tire and stop by the way. And it seemeth they have some closeness and hardness in their stalk, which hindereth the sap from going up, until it hath gathered into a knot, and so is more urged to put forth. And therefore they are most of them hollow when the stalk is dry, as fennel-stalk, stubble, and canes.

590. Flowers have all exquisite figures; and the flower numbers are chiefly five, and four; as in primroses, brier-roses, single musk-roses, single pinks, and gilly-flowers, &c. which have five leaves: lilies, flower-de-luces, borage, bugloss, &c. which have four leaves. But some put forth leaves not numbered; but they are ever small ones; as marygolds, trefoils, &c. We see also, that the sockets and supporters of flowers are figured; as in the five brethren of the rose, sockets of gilly-flowers, &c. Leaves also are all figured; some round; some long; none square; and many jagged on the sides; which leaves of flowers seldom are. For I account the jagging of pinks and gilly-flowers, to be like the inequality of oak leaves, or vine leaves, or the like: but they seldom or never have any small purls.

Experiments in consort touching some principal differences in plants.

591. Of plants, some few put forth their blossoms before their leaves; as almonds, peaches, cornelians, black thorn, &c.; but most put forth some leaves before their blossoms; as apples, pears, plums, cherries, white thorn, &c. The cause is, for that those that put forth their blossoms first, have either an acute and sharp spirit, and therefore commonly they all put forth early in the spring, and ripen very late; as most of the particulars before mentioned, or else an oily juice, which is apter to put out flowers than leaves.

592. Of plants, some are green all winter; others cast their leaves. There are green all winter, holly, ivy, box, fir, yew, cypress, juniper, bays, rosemary, &c. The cause of the holding green, is the close and compact substance of their leaves, and the pedicles of them. And the cause of that again is either the tough and viscous juice of the plant, or the strength and heat thereof. Of the first sort is holly; which is of so viscous a juice, as they make birdlime of the bark of it. The stalk of ivy is tough, and not fragile, as we see in other small twigs dry. Fir yieldeth pitch. Box is a fast and heavy wood, as we see it in bowls. Yew is a strong and tough wood, as we see it in bows. Of the second sort is juniper, which is a wood odorate; and maketh a hot fire. Bays is likewise a hot and aromatical wood; and so is rosemary for a shrub. As for the leaves, their density appeareth, in that either they are smooth and shining, as in bays, holly, ivy, box, &c. or in that they are hard and spiry, as in the rest. And trial would be made of grafting of rosemary, and bays, and box, upon a holly-stock; because they are plants that come all winter. It were good to try it also with grafts of other trees, either fruit trees, or wild trees; to see whether they will not yield their fruit, or bear their leaves later and longer in the winter; because the sap of the holly putteth forth most in the winter. It may be also a mezerion-tree, grafted upon a holly, will prove both an earlier and a greater tree.

593. There be some plants that bear no flower, and yet bear fruit: there be some that bear flowers and no fruit: there be some that bear neither flowers nor fruit. Most of the great timber trees, as oaks, beeches, &c. bear no apparent flowers; some few likewise of the fruit trees; as mulberry, walnut, &c. and some shrubs, as juniper, holly, &c. bear no flowers. Divers herbs also bear seeds, which is as the fruit, and yet bear no flowers; as purslane, &c. Those that bear flowers and no fruit are few, as the double cherry, the sallow, &c. But for the cherry, it is doubtful whether it be not by art or culture; for if it be by art, then trial would be made, whether apple, and other fruit blossoms, may not be doubled. There are some few that bear neither fruit nor flower; as the elm, the poplars, box, brakes, &c.

594. There be some plants that shoot still upwards, and can support themselves; as the greatest

part of trees and plants: there be some other that creep along the ground; or wind about other trees or props, and cannot support themselves; as vines, ivy, brier, briony, woodbines, hops, climatis, camomile, &c. The cause is, as hath been partly touched, for that all plants naturally move upwards; but if the sap put up too fast, it maketh a slender stalk, which will not support the weight: and therefore these latter sort are all swift and hasty comers.

Experiments in consort touching all manner of composts, and helps of ground.

595. The first and most ordinary help is stercoration. The sheep's dung is one of the best; and next the dung of kine: and thirdly, that of horses, which is held to be somewhat too hot unless it be mingled. That of pigeons for a garden, or a small quantity of ground, excelleth. The ordering of dung is, if the ground be arable, to spread it immediately before the ploughing and sowing; and so to plough it in: for if you spread it long before, the sun will draw out much of the fatness of the dung: if the ground be grazing ground, to spread it somewhat late towards winter; that the sun may have the less power to dry it up. As for special composts for gardens, as a hot bed, &c. we have handled them before.

596. The second kind of compost is, the spreading of divers kinds of earths; as marle, chalk, sea-sand, earth upon earth, pond earth: and the mixtures of them. Marle is thought to be the best, as having most fatness; and not heating the ground too much. The next is sea sand, which no doubt obtaineth a special virtue by the salt: for salt is the first rudiment of life. Chalk over-heateth the ground a little; and therefore is best upon cold clay grounds, or moist grounds: but I heard a great husband say that it was a common error, to think that chalk helpeth arable grounds, but helpeth not grazing grounds; whereas indeed it helpeth grass as well as corn: but that which breedeth the error is, because after the chalking of the ground they wear it out with many crops without rest; and then indeed afterwards it will bear little grass, because the ground is tired out. It were good to try the laying of chalk upon arable grounds a little while before ploughing; and to plough it in as they do the dung; but then it must be friable first by rain or lying. As for earth, it composteth itself; for I knew a great garden that had a field, in a manner, poured upon it; and it did bear fruit excellently the first year of the planting: for the surface of the earth is ever the fruitfullest. And earth so prepared hath a double surface. But it is true, as I conceive, that such earth as hath salt-petre bred in it, if you can procure it without too much charge, doth excel. The way to hasten the breeding of salt-petre, is to forbid the sun, and the growth of vegetables. And therefore if you make a large hovel, thatched, over some quantity of ground; nay, if you do but plank the ground over, it will breed salt-petre. As for pond earth, or river earth, it is a very good compost; especially if the pond have been long uncleansed, and so the water be not too hungry: and I judge it will be yet better if there be some mixture of chalk.

597. The third help of ground is, by some other substances that have a virtue to make ground fertile, though they be not merely earth; wherein ashes excel; insomuch as the countries about Ætna and Vesuvius have a kind of amends made them, for the mischief the eruptions many times do, by the exceeding fruitfulness of the soil, caused by the ashes scattered about. Soot also, though thin spread in a field or garden, is tried to be a very good compost. For salt, it is too costly; but it is tried, that mingled with seed-corn, and sown together, it doth good: and I am of opinion, that chalk in powder, mingled with seed-corn, would do good; perhaps as much as chalking the ground all over. As for the steeping of the seeds in several mixtures with water to give them vigour, or watering grounds with compost-water, we have spoken of them before.

598. The fourth help of ground is, the suffering of vegetables to die into the ground, and so to fatten it; as the stubble of corn, especially peas. Brakes cast upon the ground in the beginning of winter, will make it very fruitful. It were good also to try whether leaves of trees swept together, with some chalk and dung mixed, to give them more heart, would not make a good compost; for there is nothing lost so much as leaves of trees; and as they lie scattered, and without mixture, they rather make the ground sour than otherwise.

599. The fifth help of ground is, heat and warmth. It hath been anciently practised to burn heath, and ling, and sedge, with the vantage of the wind, upon the ground. We see that warmth of walls and enclosures mendeth ground: we see also, that lying open to the south mendeth ground: we see again, that the foldings of sheep help ground, as well by their warmth as by their compost: and it may be doubted, whether the covering of the ground with brakes in the beginning of the winter, whereof we spake in the last experiment, helpeth it not, by reason of the warmth. Nay, some very good husbands do suspect, that the gathering up of flints in flinty ground, and laying them on heaps, which is much used, is no good husbandry, for that they would keep the ground warm.

600. The sixth help of ground is by watering and irrigation; which is in two manners; the one by letting in and shutting out waters at seasonable times: for water at some seasons, and with reasonable stay, doth good; but at some other seasons, and with too long stay, doth hurt: and this serveth only for meadows which are along some river. The other way is, to bring water from some hanging grounds, where there are springs, into the lower grounds, carrying it in some long furrows; and from those furrows, drawing it traverse to spread the water. And this maketh an excellent improvement, both for corn and grass. It is the richer, if those hanging grounds be fruitful, because it washeth off some of the fatness of the earth; but howsoever it profiteth much. Generally where there are great overflows in fens, or the like, the drowning of them in the winter maketh the summer following more fruitful: the cause may be, for that it keepeth the ground warm, and nourisheth it. But the fen-men

hold, that the sewers must be kept so as the water may not stay too long in the spring till the weeds and sedge be grown up; for then the ground will be like a wood, which keepeth out the sun, and so continueth the wet; whereby it will never graze to purpose that year. Thus much for irrigation. B for avoidances, and drainings of water, where the is too much, and the helps of ground in that kin we shall speak of them in another place.

CENTURY VII.

Experiments in consort touching the affinities and differences between plants and inanimate bodies.

601. THE differences between animate and inanimate bodies, we shall handle fully under the title of life, and living spirits, and powers. We shall therefore make but a brief mention of them in this place. The main differences are two. All bodies have spirits, and pneumatical parts within them; but the main differences between animate and inanimate, are two: the first is, that the spirits of things animate are all continued within themselves, and are branched in veins, and secret canals, as blood is: and in living creatures, the spirits have not only branches, but certain cells or seats, where the principal spirits do reside, and whereunto the rest do resort: but the spirits in things inanimate are shut in, and cut off by the tangible parts, and are not pervious one to another, as air is in snow. The second main difference is, that the spirits of animate bodies are all in some degree, more or less, kindled and inflamed; and have a fine commixture of flame, and an aërial substance. But inanimate bodies have their spirits no whit inflamed or kindled. And this difference consisteth not in the heat or coolness of spirits; for cloves and other spices, naptha and petroleum, have exceeding hot spirits, hotter a great deal than oil, wax, or tallow, &c. but not inflamed. And when any of those weak and temperate bodies come to be inflamed, then they gather a much greater heat than others have uninflamed, besides their light and motion, &c.

602. The differences, which are secondary, and proceed from these two radical differences, are, first, plants are all figurate and determinate, which inanimate bodies are not: for look how far the spirit is able to spread and continue itself, so far goeth the shape or figure, and then is determined. Secondly, plants do nourish; inanimate bodies do not: they have an accretion, but no alimentation. Thirdly, plants have a period of life, which inanimate bodies have not. Fourthly, they have a succession and propagation of their kind, which is not in bodies inanimate.

603. The differences between plants, and metals or fossils, besides those four before mentioned, for metals I hold inanimate, are these: first, metals are more durable than plants: secondly, they are more solid and hard: thirdly, they are wholly subterrany; whereas plants are part above earth, and part under the earth.

604. There be very few creatures that participate of the nature of plants and metals both; coral is on of the nearest of both kinds: another is vitriol, f that is aptest to sprout with moisture.

605. Another special affinity is between plan and mould or putrefaction: for all putrefaction, if dissolve not in arefaction, will in the end issue in plants or living creatures bred of putrefaction. account moss, and mushrooms, and agaric, and othe of those kinds, to be but moulds of the ground, wall and trees, and the like. As for flesh, and fish, an plants themselves, and a number of other thing after a mouldiness, or rottenness, or corrupting, the will fall to breed worms. These putrefactions, whic have affinity with plants, have this difference fro them; that they have no succession or propagation though they nourish, and have a period of life, an have likewise some figure.

606. I left once by chance a citron cut, in close room, for three summer months that I wa absent; and at my return there were grown forth out of the pith cut, tufts of hairs an inch long, wit little black heads, as if they would have been som herb.

Experiments in consort touching the affinities an differences of plants and living creatures, and th confiners and participles of them.

607. The affinities and differences between plant and living creatures are these that follow. They have both of them spirits continued, and branched and also inflamed. But first, in living creatures, the spirits have a cell or seat, which plants have not; as was also formerly said. And secondly, the spirit of living creatures hold more of flame than the spirits of plants do. And these two are the radical differences. For the secondary differences, they are as follow:—First, plants are all fixed to the earth, whereas all living creatures are severed, and o themselves. Secondly, living creatures have local motion, plants have not. Thirdly, living creatures nourish from their upper parts, by the mouth chiefly; plants nourish from below, namely, from the roots. Fourthly, plants have their seed and seminal parts uppermost; living creatures have them lowermost: and therefore it was said, not elegantly alone but philosophically: "Homo est planta inversa;" Man is like a plant turned upwards: for the root in plants is as the head in living creatures. Fifthly, living creatures have a more exact figure than plants. Sixthly, living creatures have more diversity of organs within their bodies, and, as it were, inward figures, than plants have. Seventhly, living creatures

the sense, which plants have not. Eighthly, living creatures have voluntary motion, which plants have not.

608. For the difference of sexes in plants, they are oftentimes by name distinguished; as male-piony, female-piony; male-rosemary, female-rosemary; he-holly, she-holly, &c. but generation by copulation certainly extendeth not to plants. The nearest approach of it is between the he-palm and the she-palm, which as they report, if they grow near, incline the one to the other; insomuch as, what which is more strange, they doubt not to report, that to keep the trees upright from bending, they tie ropes or lines from the one to the other, that the contact might be enjoyed by the contact of middle body. But this may be feigned, or at least verified. Nevertheless I am apt enough to think, that this same binarium of a stronger and a weaker, and unto masculine and feminine, doth hold in all living bodies. It is confounded sometimes; as in the creatures of putrefaction, wherein no marks of sexes appear; and it is doubled sometimes, as in hermaphrodites; but generally there is a degree of strength in most species.

609. The participles or confiners between plants and living creatures, are such chiefly as are fixed, and have no local motion of remove, though they have a motion in their parts; such as are oysters, shells, and such like. There is a fabulous narration, that in the northern countries, there should be an herb that groweth in the likeness of a lamb, and feedeth on the grass, in such sort as it will bare the grass round about. But I suppose that the figure maketh the fable; for so, we see, there be bee-flowers, &c. But as for the grass, it seemeth the plant having a great stalk and top doth prey upon the grass a good way about, by drawing the juice of the earth from it.

Experiments promiscuous touching plants.

610. The Indian fig boweth its roots down so low in one year, as of itself it taketh root again: and so multiplieth from root to root, making of one tree a grove of wood. The cause is the plenty of the sap, and the softness of the stalk, which maketh the bough, being over-loaden, and not stiffly upheld, to bow down. It hath leaves as broad as a little target, but the fruit no bigger than beans. The cause is, for that the continual shade increaseth the leaves, and abateth the fruit, which nevertheless is of a pleasant taste. And that no doubt is caused by the suppleness and gentleness of the juice of that plant, being that which maketh the boughs also so flexible.

611. It is reported by one of the ancients, that there is a certain Indian tree, having few but very great leaves, three cubits long and two broad; and that the fruit, being of good taste, groweth out of the bark. It may be, there be plants that pour out the sap so fast, as they have no leisure either to divide into many leaves, or to put forth stalks to the fruit. With us, trees, generally, have small leaves in comparison. The fig hath the greatest; and next it the vine, mulberry, and sycamore; and the least are those of the willow, birch, and thorn. But there be found herbs with far greater leaves than any tree; as the bur, gourd, cucumber, and colewort. The cause is, like to that of the Indian fig, the hasty and plentiful putting forth of the sap.

612. There be three things in use for sweetness; sugar, honey, manna. For sugar, to the ancients it was scarce known, and little used. It is found in canes: *Query*, whether to the first knuckle, or farther up? And whether the very bark of the cane itself do yield sugar or no? For honey, the bee maketh it, or gathereth it; but I have heard from one that was industrious in husbandry, that the labour of the bee is about the wax; and that he hath known in the beginning of May honeycombs empty of honey; and within a fortnight, when the sweet dews fall, filled like a cellar. It is reported also by some of the ancients, that there is a tree called occhus, in the vallies of Hyrcania, that distilleth honey in the mornings. It is not unlike that the sap and tears of some trees may be sweet. It may be also, that some sweet juices, fit for many uses, may be concocted out of fruits, to the thickness of honey, or perhaps of sugar: the likeliest are raisins of the sun, figs, and currants; the means may be inquired.

613. The ancients report of a tree by the Persian sea, upon the shore sands, which is nourished with the salt water; and when the tide ebbeth, you shall see the roots as it were bare without bark, being as it seemeth corroded by the salt, and grasping the sands like a crab; which nevertheless beareth a fruit. It were good to try some hard trees, as a service-tree, or fir-tree, by setting them within the sands.

614. There be of plants which they use for garments, these that follow: hemp, flax, cotton, nettles, whereof they make nettle-cloth, sericum, which is a growing silk; they make also cables of the bark of lime-trees. It is the stalk that maketh the filaceous matter commonly; and sometimes the down that groweth above.

615. They have in some countries a plant of a rosy colour, which shutteth in the night, openeth in the morning, and openeth wide at noon; which the inhabitants of those countries say is a plant that sleepeth. There be sleepers enough then; for almost all flowers do the like.

616. Some plants there are, but rare, that have a mossy or downy root; and likewise that have a number of threads, like beards; as mandrakes; whereof witches and impostors make an ugly image, giving it the form of a face at the top of the root, and leaving those strings to make a broad beard down to the foot. Also there is a kind of nard in Crete, being a kind of phu, that hath a root hairy, like a rough-footed dove's foot. So as you may see, there are of roots, bulbous roots, fibrous roots, and hirsute roots. And, I take it, in the bulbous, the sap hasteneth most to the air and sun; in the fibrous, the sap delighteth more in the earth, and therefore putteth downward; and the hirsute is a middle between both, that besides the putting forth upwards and downwards, putteth forth in round.

617. There are some tears of trees, which are combed from the beards of goats: for when the

goats bite and crop them, especially in the mornings, the dew being on, the tear cometh forth, and hangeth upon their beards: of this sort is some kind of laudanum.

618. The irrigation of the plane-tree by wine, is reported by the ancients to make it fruitful. It would be tried likewise with roots; for upon seeds it worketh no great effects.

619. The way to carry foreign roots a long way, is to vessel them close in earthen vessels. But if the vessels be not very great, you must make some holes in the bottom, to give some refreshment to the roots; which otherwise, as it seemeth, will decay and suffocate.

620. The ancient cinnamon was, of all other plants, while it grew, the driest; and those things which are known to comfort other plants, did make that more steril; for in showers it prospered worst; it grew also amongst bushes of other kinds, where commonly plants do not thrive; neither did it love the sun. There might be one cause of all those effects; namely, the sparing nourishment which that plant required. *Query*, how far cassia, which is now the substitute of cinnamon, doth participate of these things?

621. It is reported by one of the ancients, that cassia, when it is gathered, is put into the skins of beasts newly flayed; and that the skins corrupting and breeding worms, the worms do devour the pith and marrow of it, and so make it hollow; but meddle not with the bark, because to them it is bitter.

622. There were in ancient time vines of far greater bodies than we know any; for there have been cups made of them, and an image of Jupiter. But it is like they were wild vines; for the vines that they use for wine, are so often cut, and so much digged and dressed, that their sap spendeth into the grapes, and so the stalk cannot increase much in bulk. The wood of vines is very durable, without rotting. And that which is strange, though no tree hath the twigs, while they are green, so brittle, yet the wood dried is extreme tough; and was used by the captains of armies amongst the Romans for their cudgels.

623. It is reported, that in some places vines are suffered to grow like herbs, spreading upon the ground; and that the grapes of those vines are very great. It were good to make trial, whether plants that use to be borne up by props, will not put forth greater leaves and greater fruits if they be laid along the ground; as hops, ivy, woodbine, &c.

624. Quinces, or apples, &c. if you will keep them long, drown them in honey; but because honey, perhaps, will give them a taste over-luscious, it were good to make trial in powder of sugar, or in syrup of wine, only boiled to height. Both these would likewise be tried in oranges, lemons, and pomegranates; for the powder of sugar, and syrup of wine, will serve for more times than once.

625. The conservation of fruit would be also tried in vessels filled with fine sand, or with powder of chalk; or in meal and flour; or in dust of oak wood; or in mill.

626. Such fruits as you appoint for long keeping, you must gather before they be full ripe: and in a fair and dry day towards noon; and when the wind bloweth not south; and when the moon is under the earth, and in decrease.

627. Take grapes, and hang them in an empty vessel well stopped; and set the vessel not in a cellar, but in some dry place; and it is said they will last long. But it is reported by some, they will keep better in a vessel half full of wine, so that the grapes touch not the wine.

628. It is reported that the preserving of the stalk helpeth to preserve the grape; especially if the stalk be put into the pith of elder, the elder not touching the fruit.

629. It is reported by some of the ancients, that fruit put in bottles, and the bottles let down into wells under water, will keep long.

630. Of herbs and plants, some are good to eat raw; as lettuce, endive, purslane, tarragon, cresses, cucumbers, musk-melons, radish, &c.; others only after they are boiled, or have passed the fire; as parsley, clary, sage, parsnips, turnips, asparagus, artichokes, though they also being young are eaten raw: but a number of herbs are not esculent at all; as wormwood, grass, green corn, centnary, hyssop, lavender, balm, &c. The causes are, for that the herbs that are not esculent, do want the two tastes in which nourishment resteth; which are fat and sweet; and have, contrariwise, bitter and over-strong tastes, or a juice so crude as cannot be ripened to the degree of nourishment. Herbs and plants that are esculent raw, have fatness, or sweetness, as all esculent fruits; such are onions, lettuce, &c. But then it must be such a fatness, (for as for sweet things, they are in effect always esculent,) as is not over-gross, and loading of the stomach; for parsnips and leeks have fatness; but it is too gross and heavy without boiling. It must be also in a substance somewhat tender; for we see wheat, barley, artichokes, are no good nourishment till they have passed the fire; but the fire doth ripen, and maketh them soft and tender, and so they become esculent. As for radish and tarragon, and the like, they are for condiments, and not for nourishment. And even some of those herbs which are not esculent, are notwithstanding poculent; as hops, broom, &c. *Query*, what herbs are goods for drinks besides the two aforenamed; for that it may perhaps ease the charge of brewing, if they make beer to require less malt, or make it last longer.

631. Parts fit for the nourishment of man in plants are, seeds, roots, and fruits; but chiefly seeds and roots. For leaves, they give no nourishment at all, or very little: no more do flowers, or blossoms, or stalks. The reason is, for that roots, and seeds, and fruits, inasmuch as all plants consist of an oily and watery substance commixed, have more of the oily substance; and leaves, flowers, &c. of the watery. And secondly, they are more concocted; for the root which continueth ever in the earth, is still concocted by the earth; and fruits and grains we see are half a year or more in concocting; whereas leaves are out and perfect in a month.

632. Plants, for the most part, are more strong

both in taste and smell in the seed, than in the leaf and root. The cause is, for that in plants that are not of a fierce and eager spirit, the virtue is increased by concoction and maturation, which is ever most in the seed; but in plants that are of a fierce and eager spirit, they are stronger whilst the spirit is enclosed in the root; and the spirits do but weaken and dissipate when they come to the air and sun; as we see it in onions, garlick, dragon, &c. Nay, there be plants that have their roots very hot and aromatical, and their seeds rather insipid; as ginger. The cause is, as was touched before, for that the heat of those plants is very dissipable; which under the earth is contained and held in; but when it cometh to the air it exhaleth.

633. The juices of fruits are either watery or oily. I reckon among the watery, all the fruits out of which drink is expressed; as the grape, the apple, the pear, the cherry, the pomegranate, &c. And there are some others which, though they be not in use for drink, yet they appear to be of the same nature; as plums, services, mulberries, rasps, oranges, lemons, &c. and for those juices that are so fleshy, as they cannot make drink by expression, yet, perhaps, they may make drink by mixture of water:

Poculaque admistis imitantur vitea sorbis.

And it may be hips and brier-berries would do the like. Those that have oily juices, are olives, almonds, nuts of all sorts, pine-apples, &c. and their juices are all inflammable. And you must observe also, that some of the watery juices, after they have gathered spirit, will burn and inflame; as wine. There is a third kind of fruit that is sweet, without either sharpness or oiliness: such as is the fig and the date.

634. It hath been noted, that most trees, and specially those that bear most, are fruitful but once in two years. The cause, no doubt, is the expense of sap; for many orchard trees, well cultured, will bear divers years together.

635. There is no tree, which besides the natural fruit doth bear so many bastard fruits as the oak doth: for besides the acorn, it beareth galls, oak apples, and certain oak nuts, which are inflammable; and certain oak berries, sticking close to the body of the tree without stalk. It beareth also misseltoe, though rarely. The cause of all these may be the viscuness and solidness of the wood, and pith of the oak, which maketh several juices find several eruptions. And therefore if you will devise to make any super-plants, you must ever give the sap plentiful rising and hard issue.

636. There are two excrescences which grow upon trees; both of them in the nature of mushrooms: the one the Romans call boletus; which groweth upon the roots of oaks; and was one of the dainties of their table; the other is medicinal, that is called agaric, whereof we have spoken before, which groweth upon the tops of oaks; though it be affirmed by some, that it groweth also at the roots. I do conceive, that many excrescences of trees grow chiefly where the tree is dead or faded; for that the natural sap of the tree corrupteth into some preternatural substance.

637. The greater part of trees bear most and best on the lower boughs; as oaks, figs, walnuts, pears, &c. but some bear best on the top boughs; as crabs, &c. Those that bear best below, are such as shade doth more good to than hurt. For generally all fruits bear best lowest; because the sap tireth not, having but a short way: and therefore in fruits spread upon walls, the lowest are the greatest, as was formerly said: so it is the shade that hindereth the lower boughs; except it be in such trees as delight in shade, or at least bear it well. And therefore they are either strong trees, as the oak; or else they have large leaves, as the walnut and fig; or else they grow in pyramis, as the pear. But if they require very much sun, they bear best on the top; as it is in crabs, apples, plums, &c.

638. There be trees that bear best when they begin to be old; as almonds, pears, vines, and all trees that give mast. The cause is, for that all trees that bear mast have an oily fruit; and young trees have a more watery juice, and less concocted; and of the same kind also is the almond. The pear likewise, though it be not oily, yet it requireth much sap, and well concocted; for we see it is a heavy fruit and solid; much more than apples, plums, &c. As for the vine, it is noted, that it beareth more grapes when it is young; but grapes that make better wine when it is old; for that the juice is better concocted: and we see that wine is inflammable; so as it hath a kind of oiliness. But the most part of trees, amongst which are apples, plums, &c. bear best when they are young.

639. There be plants that have a milk in them when they are cut; as figs, old lettuce, sow-thistles, spurge, &c. The cause may be an inception of putrefaction: for those milks have all an acrimony: though one would think they should be lenitive. For if you write upon paper with the milk of a fig, the letters will not be seen, until you hold the paper before the fire, and then they wax brown: which showeth that it is a sharp or fretting juice: lettuce is thought poisonous, when it is so old as to have milk; spurge is a kind of poison in itself; and as for sow-thistles, though coneys eat them, yet sheep and cattle will not touch them: and besides, the milk of them rubbed upon warts, in short time weareth them away; which showeth the milk of them to be corrosive. We see also that wheat and other corn, sown, if you take them forth of the ground before they sprout, are full of milk; and the beginning of germination is ever a kind of putrefaction of the seed. Euphorbium also hath a milk, though not very white, which is of a great acrimony: and saladine hath a yellow milk, which hath likewise much acrimony; for it cleanseth the eyes. It is good also for cataracts.

640. Mushrooms are reported to grow, as well upon the bodies of trees, as upon their roots, or upon the earth; and especially upon the oak. The cause is, for that strong trees are towards such excrescences in the nature of earth; and therefore put forth moss, mushrooms, and the like.

641. There is hardly found a plant that yieldeth a red juice in the blade or ear; except it be the tree that beareth sanguis draconis; which groweth chiefly in the island Socotra: the herb amaranthus indeed is red all over; and brazil is red in the wood; and so is red sanders. The tree of the sanguis draconis groweth in the form of a sugar-loaf. It is like the sap of that plant concocteth in the body of the tree. For we see that grapes and pomegranates are red in the juice, but are green in the tear: and this maketh the tree of sanguis draconis lesser towards the top; because the juice hasteneth not up; and besides, it is very astringent; and therefore of slow motion.

642. It is reported, that sweet moss, besides that upon the apple-trees, groweth likewise sometimes upon poplars; and yet generally the poplar is a smooth tree of bark, and hath little moss. The moss of the larix-tree burneth also sweet, and sparkleth in the burning. *Query* of the mosses of odorate trees; as cedar, cypress, lignum aloës, &c.

643. The death that is most without pain, hath been noted to be upon the taking of the potion of hemlock; which in humanity was the form of execution of capital offenders in Athens. The poison of the asp, that Cleopatra used, hath some affinity with it. The cause is, for that the torments of death are chiefly raised by the strife of the spirits; and these vapours quench the spirits by degrees; like to the death of an extreme old man. I conceive it is less painful than opium, because opium hath parts of heat mixed.

644. There be fruits that are sweet before they be ripe, as myrobalanes: so fennel seeds are sweet before they ripen, and after grow spicy. And some never ripen to be sweet; as tamarinds, barberries, crabs, sloes, &c. The cause is, for that the former kind have much and subtle heat, which causeth early sweetness; the latter have a cold and acid juice, which no heat of the sun can sweeten. But as for the myrobalane, it hath parts of contrary natures; for it is sweet and yet astringent.

645. There be few herbs that have a salt taste; and contrariwise all blood of living creatures hath a saltness. The cause may be, for that salt, though it be the rudiment of life, yet in plants the original taste remaineth not; for you shall have them bitter, sour, sweet, biting, but seldom salt; but in living creatures, all those high tastes may happen to be sometimes in the humours, but are seldom in the flesh or substance, because it is of a more oily nature: which is not very susceptible of those tastes; and the saltness itself of blood is but a light and secret saltness: and even among plants, some do participate of saltness, as alga marina, samphire, scurvy grass, &c. And they report, there is in some of the Indian seas a swimming plant, which they call salgazus, spreading over the sea in such sort, as one would think it were a meadow. It is certain, that out of the ashes of all plants they extract a salt which they use in medicines.

646. It is reported by one of the ancients, that there is an herb growing in the water, called lincostis, which is full of prickles: this herb putteth forth another small herb out of the leaf; which is imputed to some moisture that is gathered between the prickles, which putrified by the sun germinateth. But I remember also I have seen, for a great rarity, one rose grow out of another like honeysuckles, that they call top and top-gallants.

647. Barley, as appeareth in the malting, being steeped in water three days, and afterwards the water drained from it, and the barley turned upon a dry floor, will sprout half an inch long at least: and if it be let alone, and not turned, much more; until the heart be out. Wheat will do the same. Try it also with peas and beans. This experiment is not like that of the orpine and semper-vive: for there it is of the old store, for no water is added; but here it is nourished from the water. The experiment would be farther driven: for it appeareth already, by that which hath been said, that earth is not necessary to the first sprouting of plants; and we see that rose-buds set in water will blow: therefore try whether the sprouts of such grains may not be raised to a farther degree, as to an herb, or flower, with water only, or some small commixture of earth: for if they will, it should seem by the experiments before, both of the malt and of the roses, that they will come far faster on in water than in earth; for the nourishment is easilier drawn out of water than out of earth. It may give some light also, that drink infused with flesh, as that with the capon, &c. will nourish faster and easilier than meat and drink together. Try the same experiment with roots as well as with grains; as for example, take a turnip, and steep it a while, and then dry it, and see whether it will sprout.

648. Malt in the drenching will swell; and that in such a manner, as after the putting forth in sprouts, and the drying upon the kiln, there will be gained at least a bushel in eight, and yet the sprouts are rubbed off; and there will be a bushel of dust besides the malt; which I suppose to be, not only by the loose and open lying of the parts, but by some addition of substance drawn from the water in which it was steeped.

649. Malt gathereth a sweetness to the taste, which appeareth yet more in the wort. The dulcoration of things is worthy to be tried to the full; for that dulcoration importeth a degree to nourishment: and the making of things inalimental to become alimental, may be an experiment of great profit for making new victual.

650. Most seeds in the growing, leave their husk or rind about the root; but the onion will carry it up, that it will be like a cap upon the top of the young onion. The cause may be, for that the skin or husk is not easy to break; as we see by the pilling of onions, what a holding substance the skin is.

651. Plants that have curled leaves, do all abound with moisture; which cometh so fast on, as they cannot spread themselves plain, but must needs gather together. The weakest kind of curling is roughness; as in clary and burr. The second is curling on the sides; as in lettuce, and young cabbage: and the third is folding into a head; as in cabbage full grown, and cabbage-lettuce.

652. It is reported, that fir and pine, especially if they be old and putrified, though they shine not as some rotten woods do, yet in the sudden breaking they will sparkle like hard sugar.

653. The roots of trees do some of them put downwards deep into the ground; as the oak, pine, fir, &c. Some spread more towards the surface of the earth; as the ash, cypress-tree, olive, &c. The cause of this latter may be, for that such trees as love the sun, do not willingly descend far into the earth; and therefore they are, commonly, trees that shoot up much; for in their body their desire to approach to the sun maketh them spread the less. And the same reason under ground to avoid recess from the sun, maketh them spread the more. And we see it cometh to pass in some trees which have been planted too deep in the ground, that for love of approach to the sun, they forsake their first root, and put out another more towards the top of the earth. And we see also, that the olive is full of oily juice: and ash maketh the best fire; and cypress is a hot tree. As for the oak, which is of the former sort, it loveth the earth; and therefore groweth slowly. And for the pine and fir likewise, they have so much heat in themselves, as they need less the heat of the sun. There be herbs also that have the same difference; as the herb they call morsus diaboli; which putteth the root down so low, as you cannot pull it up without breaking; which gave occasion to the name and fable; for that it was said, it was so wholesome a root, that the devil, when it was gathered, bit it for envy: and some of the ancients do report, that there was a goodly fir, which they desired to remove whole, that had a root under ground eight cubits deep; and so the root came up broken.

654. It hath been observed, that a branch of a tree, being unbarked some space at the bottom, and so set into the ground, hath grown; even of such trees, as if the branch were set with the bark on, they would not grow; yet contrariwise we see, that a tree pared round in the body above ground, will die. The cause may be, for that the unbarked part draweth the nourishment best, but the bark confineth it only.

655. Grapes will continue fresh and moist all winter long, if you hang them cluster by cluster in the roof of a warm room; especially if when you gather the cluster, you take off with the cluster some of the stock.

656. The reed or cane is a watery plant, and groweth not but in water; it hath these properties; that it is hollow; that it is knuckled both stalk and root; that being dry, it is more hard and fragile than other wood; that it putteth forth no boughs, though many stalks out of one root. It differeth much in greatness; the smallest being fit for thatching of houses, and stopping the chinks of ships, better than glue or pitch. The second bigness is used for angle-rods and staves; and in China for beating of offenders upon the thighs. The differing kinds of them are the common reed, the cassia vitala, and the sugar-reed. Of all plants it bowth the easiest, and riseth again. It seemeth, that amongst plants which are nourished with mixture of earth and water, it draweth most nourishment from water; which maketh it the smoothest of all others in bark, and the hollowest in body.

657. The sap of trees when they are let blood, is of differing natures. Some more watery and clear; as that of vines, of beeches, of pears: some thick, as apples: some gummy, as cherries: some frothy, as elms: some milky, as figs. In mulberries the sap seemeth to be almost towards the bark only; for if you cut the tree a little into the bark with a stone, it will come forth; if you pierce it deeper with a tool, it will be dry. The trees which have the moistest juices in their fruit, have commonly the moistest sap in their body; for the vines and pears are very moist; apples somewhat more spungy: the milk of the fig hath the quality of the rennet, to gather cheese; and so have certain sour herbs wherewith they make cheese in Lent.

658. The timber and wood are in some trees more clean, in some more knotty; and it is a good trial to try it by speaking at one end, and laying the ear at the other: for if it be knotty, the voice will not pass well. Some have the veins more varied and chambletted; as oak, whereof wainscot is made; maple, whereof trenchers are made: some more smooth, as fir and walnut: some do more easily breed worms and spiders; some more hardly, as it is said of Irish trees: besides there be a number of differences that concern their use; as oak, cedar, and chestnut, are the best builders; some are best for plough-timber, as ash; some for piers, that are sometimes wet and sometimes dry, as elm; some for planchers, as deal; some for tables, cupboards, and desks, as walnuts; some for ship-timber, as oaks that grow in moist grounds; for that maketh the timber tough, and not apt to rift with ordnance; wherein English and Irish timber are thought to excel: some for masts of ships, as fir and pine, because of their length, straightness, and lightness: some for pale, as oak; some for fuel, as ash; and so of the rest.

559. The coming of trees and plants in certain regions, and not in others, is sometimes casual: for many have been translated, and have prospered well; as damask-roses, that have not been known in England above a hundred years, and now are so common. But the liking of plants in certain soils more than in others, is merely natural; as the fir and pine love the mountains; the poplar, willow, sallow, and alder, love rivers and moist places; the ash loveth coppices, but is best in standards alone; juniper loveth chalk; and so do most fruit trees; samphire groweth but upon rocks; reeds and osiers grow where they are washed with water; the vine loveth sides of hills, turning upon the south-east sun, &c.

660. The putting forth of certain herbs discovereth of what nature the ground where they put forth is; as wild thyme showeth good feeding-ground for cattle; betony and strawberries show grounds fit for wood; camomile showeth mellow grounds fit for wheat. Mustard-seed, growing after the plough, showeth a good strong ground also for wheat: burnet showeth good meadow, and the like.

661. There are found in divers countries some other plants that grow out of trees and plants, besides misseltoe: as in Syria there is an herb called cassytas, that groweth out of tall trees, and windeth itself about the same tree where it groweth, and sometimes about thorns. There is a kind of polypode that groweth out of trees, though it windeth not. So likewise an herb called faunos, upon the wild olive. And an herb called hippophæston upon the fullers thorn: which, they say, is good for the falling sickness.

662. It hath been observed by some of the ancients, that howsoever cold or easterly winds are thought to be great enemies of fruit, yet nevertheless south winds are also found to do hurt, especially in the blossoming time; and the more if showers follow. It seemeth they call forth the moisture too fast. The west winds are the best. It hath been observed also, that green and open winters do hurt trees; insomuch as if two or three such winters come together, almond-trees, and some other trees, will die. The cause is the same with the former, because the lust of the earth overspendeth itself: howsoever some other of the ancients have commended warm winters.

663. Snows lying long cause a fruitful year; for first, they keep in the strength of the earth; secondly, they water the earth better than rain: for in snow, the earth doth, as it were, suck the water as out of the teat: thirdly, the moisture of snow is the finest moisture, for it is the froth of the cloudy waters.

664. Showers if they come a little before the ripening of fruits, do good to all succulent and moist fruits; as vines, olives, pomegranates; yet it is rather for plenty than for goodness; for the best vines are in the driest vintages: small showers are likewise good for corn, so as parching heats come not upon them. Generally night showers are better than day showers, for that the sun followeth not so fast upon them; and we see even in watering by the hand, it is best in summer time to water in the evening.

665. The differences of earths, and the trial of them, are worthy to be diligently inquired. The earth, that with showers doth easiliest soften, is commended; and yet some earth of that kind will be very dry and hard before the showers. The earth that casteth up from the plough a great clod, is not so good as that which casteth up a smaller clod. The earth that putteth forth moss easily, and may be called mouldy, is not good. The earth that smelleth well upon the digging or ploughing is commended; as containing the juice of vegetables almost already prepared. It is thought by some, that the ends of low rainbows fall more upon one kind of earth than upon another; as it may well be; for that that earth is most roscid: and therefore it is commended for a sign of good earth. The poorness of the herbs, it is plain, show the poorness of the earth; and especially if they be in colour more dark: but if the herbs show withered, or blasted at the top, it showeth the earth to be very cold; and so doth the mossiness of trees. The earth, whereof the grass is soon parched with the sun, and toasted, is commonly forced earth, and barren in its own nature. The tender, chessome, and mellow earth, is the best, being mere mould, between the two extremes of clay and sand, especially if it be not loamy and binding. The earth, that after rain will scarcely be ploughed, is commonly fruitful; for it is cleaving and full of juice.

666. It is strange, which is observed by some of the ancients, that dust helpeth the fruitfulness of trees, and of vines by name; insomuch as they cast dust upon them of purpose. It should seem, that that powdering, when a shower cometh, maketh a kind of soiling to the tree, being earth and water finely laid on. And they note, that countries where the fields and ways are dusty bear the best vines.

667. It is commended by the ancients for an excellent help to trees, to lay the stalks and leaves of lupins about the roots, or to plough them into the ground where you will sow corn. The burning also of the cuttings of vines, and casting them upon land, doth much good. And it was generally received of old, that dunging of grounds when the west wind bloweth, and in the decrease of the moon, doth greatly help; the earth, as it seemeth, being then more thirsty and open to receive the dung.

668. The grafting of vines upon vines, as I take it, is not now in use: the ancients had it, and that three ways: the first was incision, which is the ordinary manner of grafting: the second was terebration through the middle of the stock, and putting in the cions there: and the third was paring of two vines that grow together to the marrow, and binding them close.

669. The diseases and ill accidents of corn are worthy to be inquired: and would be more worthy to be inquired, if it were in men's power to help them; whereas many of them are not to be remedied. The mildew is one of the greatest, which, out of question, cometh by closeness of air; and therefore in hills, or large champain grounds, it seldom cometh; such as is with us York's woald. This cannot be remedied, otherwise than that in countries of small enclosure the grounds be turned into larger fields: which I have known to do good in some farms. Another disease is the putting forth of wild oats, whereinto corn oftentimes, especially barley, doth degenerate. It happeneth chiefly from the weakness of the grain that is sown; for if it be either too old or mouldy, it will bring forth wild oats. Another disease is the satiety of the ground; for if you sow one ground still with the same corn, I mean not the same corn that grew upon the same ground, but the same kind of grain, as wheat, barley, &c. it will prosper but poorly: therefore besides the resting of the ground you must vary the seed. Another ill accident is from the winds, which hurt at two times; at the flowering, by shaking off the flowers; and at the full ripening, by shaking out the corn. Another ill accident is drought, at the spindling of the corn, which with us is rare, but in hotter countries common: insomuch as the word calamitas was first derived from calamus, when the corn could not get out of the stalk. Another ill accident is over-wet at

sowing time, which with us breedeth much dearth, insomuch as the corn never cometh up; and many times they are forced to re-sow summer corn where they sowed winter corn. Another ill accident is bitter frosts continued without snow, especially in the beginning of the winter, after the seed is new sown. Another disease is worms, which sometimes breed in the root, and happen upon hot suns and showers immediately after the sowing; and another worm breedeth in the ear itself, especially when hot suns break often out of clouds. Another disease is weeds; and they are such as either choke and overshadow the corn, and bear it down; or starve the corn, and deceive it of nourishment. Another disease is over-rankness of the corn; which they use to remedy by mowing it after it is come up; or putting sheep into it. Another ill accident is laying of corn with great rains, near or in harvest. Another ill accident is, if the seed happen to have touched oil, or any thing that is fat; for those substances have an antipathy with nourishment of water.

670. The remedies of the diseases of corn have been observed as followeth. The steeping of the grain, before sowing, a little time in wine, is thought a preservative: the mingling of seed-corn with ashes is thought to be good: the sowing at the wane of the moon, is thought to make the corn sound: it hath not been practised, but it is thought to be of use to make some miscellane in corn; as if you sow a few beans with wheat, your wheat will be the better. It hath been observed, that the sowing of corn with houseleek doth good. Though grain that toucheth oil or fat, receiveth hurt, yet the steeping of it in the dregs of oil, when it beginneth to putrify, which they call amurca, is thought to assure it against worms. It is reported also, that if corn be mowed, it will make the grain longer, but emptier, and having more of the husk.

671. It hath been noted, that seed of a year old is the best; and of two or three years is worse; and that which is more old is quite barren; though, no doubt, some seed and grains last better than others. The corn which in the vanning lieth lowest is the best: and the corn which broken or bitten retaineth a little yellowness, is better than that which is very white.

672. It hath been observed, that of all roots of herbs, the root of sorrel goeth the farthest into the earth; insomuch that it hath been known to go three cubits deep: and that it is the root that continueth fit longest to be set again, of any root that groweth. It is a cold and acid herb, that, as it seemeth, loveth the earth, and is not much drawn by the sun.

673. It hath been observed, that some herbs like best being watered with salt water; as radish, beet, rue, pennyroyal: this trial would be extended to some other herbs; especially such as are strong, as tarragon, mustard-seed, rocket, and the like.

674. It is strange that is generally received, how some poisonous beasts affect odorate and wholesome herbs; as that the snake loveth fennel; that the toad will be much under sage; that frogs will be in cinquefoil. It may be it is rather the shade, or other coverture, that they take liking in, than the virtue of the herb.

675. It were a matter of great profit, save that I doubt it is too conjectural to venture upon, if one could discern what corn, herbs, or fruits, are like to be in plenty or scarcity, by some signs and prognostics in the beginning of the year: for as for those that are like to be in plenty, they may be bargained for upon the ground; as the old relation was of Thales; who, to show how easy it was for a philosopher to be rich, when he foresaw a great plenty of olives, made a monopoly of them. And for scarcity, men may make profit in keeping better the old store. Long continuance of snow is believed to make a fruitful year of corn; an early winter, or a very late winter, a barren year of corn; an open and serene winter, an ill year of fruit: these we have partly touched before; but other prognostics of like nature are diligently to be inquired.

676. There seem to be in some plants singularities, wherein they differ from all other; the olive hath the oily part only on the outside; whereas all other fruits have it in the nut or kernel. The fir hath, in effect, no stone, nut, nor kernel; except you will count the little grains kernels. The pomegranate and pine-apple have only amongst fruits grains distinct in several cells. No herbs have curled leaves but cabbage and cabbage-lettuce. None have doubled leaves, one belonging to the stalk, another to the fruit or seed, but the artichoke. No flower hath that kind of spread that the woodbine hath. This may be a large field of contemplation; for it showeth that in the frame of nature, there is, in the producing of some species, a composition of matter, which happeneth oft, and may be much diversified: in others, such as happeneth rarely, and admitteth little variety: for so it is likewise in beasts: dogs have a resemblance with wolves and foxes; horses with asses; kine with buffles; hares with coneys, &c. And so in birds: kites and kestrels have a resemblance with hawks; common doves with ring-doves and turtles; blackbirds with thrushes and mavises; crows with ravens, daws, and choughs, &c. But elephants and swine amongst beasts; and the bird of paradise and the peacock amongst birds; and some few others, have scarce any other species that have affinity with them.

We leave the description of plants, and their virtues, to herbals, and other like books of natural history; wherein men's diligence hath been great, even to curiosity: for our experiments are only such as do ever ascend a degree to the deriving of causes, and extracting of axioms, which we are not ignorant but that some both of the ancient and modern writers have also laboured; but their causes and axioms are so full of imagination; and so infected with the old received theories, as they are mere inquinations of experience, and concoct it not.

Experiment solitary touching healing of wounds.

677. It hath been observed by some of the ancients, that skins, especially of rams, newly pulled off, and applied to the wounds of stripes, do keep them from swelling and exulcerating; and likewise

heal them and close them up; and that the whites of eggs do the same. The cause is a temperate conglutination; for both bodies are clammy and viscous, and do bridle the deflux of humours to the hurts, without penning them in too much.

Experiment solitary touching fat diffused in flesh.

678. You may turn almost all flesh into a fatty substance, if you take flesh and cut it into pieces, and put the pieces into a glass covered with parchment; and so let the glass stand six or seven hours in boiling water. It may be an experiment of profit for making of fat or grease for many uses; but then it must be of such flesh as is not edible; as horses, dogs, bears, foxes, badgers, &c.

Experiment solitary touching ripening of drink before the time.

679. It is reported by one of the ancients, that new wine put into vessels well stopped, and the vessels let down into the sea, will accelerate very much the making of them ripe and potable. The same would be tried in wort.

Experiment solitary touching pilosity and plumage.

680. Beasts are more hairy than men, and savage men more than civil; and the plumage of birds exceedeth the pilosity of beasts. The cause of the smoothness in men is not any abundance of heat and moisture, though that indeed causeth pilosity; but there is requisite to pilosity, not so much heat and moisture, as excrementitious heat and moisture; for whatsoever assimilateth, goeth not into the hair; and excrementitious moisture aboundeth most in beasts, and men that are more savage. Much the same reason is there of the plumage of birds; for birds assimilate less and excern more than beasts; for their excrements are ever liquid, and their flesh generally more dry: besides, they have not instruments for urine; and so all the excrementitious moisture goeth into the feathers: and therefore it is no marvel, though birds be commonly better meat than beasts, because their flesh doth assimilate more finely, and secerneth more subtilly. Again, the head of man hath hair upon the first birth, which no other part of the body hath. The cause may be want of perspiration; for much of the matter of hair, in the other parts of the body, goeth forth by insensible perspiration; and besides, the skull being of a more solid substance, nourisheth and assimilateth less, and excerneth more; and so likewise doth the chin. We see also, that hair cometh not upon the palms of the hands, nor soles of the feet; which are parts more perspirable. And children likewise are not hairy, for that their skins are more perspirable.

Experiment solitary touching the quickness of motion in birds.

681. Birds are of swifter motion than beasts; for the flight of many birds is swifter than the race of any beasts. The cause is, for that the spirits in birds are in greater proportion, in comparison of the bulk of their body, than in beasts: for as for the reason that some give, that they are partly carried, whereas beasts go, that is nothing; for by that reason swimming should be swifter than running: and that kind of carriage also is not without labour of the wing.

Experiment solitary touching the different clearness of the sea.

682. The sea is clearer when the north wind bloweth, than when the south wind. The cause is, for that salt water hath a little oiliness in the surface thereof, as appeareth in very hot days: and again, for that the southern wind relaxeth the water somewhat; and no water boiling is so clear as cold water.

Experiment solitary touching the different heats of fire and boiling water.

683. Fire burneth wood, making it first luminous; then black and brittle; and lastly, broken and incinerate; scalding water doth none of these. The cause is, for that by fire the spirit of the body is first refined, and then emitted; whereof the refining or attenuation causeth the light; and the emission, first the fragility, and after, the dissolution into ashes; neither doth any other body enter: but in water the spirit of the body is not refined so much; and besides part of the water entereth, which doth increase the spirit, and in a degree extinguish it: therefore we see that hot water will quench fire. And again we see, that in bodies wherein the water doth not much enter, but only the heat passeth, hot water worketh the effects of fire; as in eggs boiled and roasted, into which the water entereth not at all, there is scarce difference to be discerned: but in fruit, and flesh, whereinto the water entereth in some part, there is much more difference.

Experiment solitary touching the qualification of heat by moisture.

684. The bottom of a vessel of boiling water, as hath been observed, is not very much heated, so as men may put their hand under the vessel and remove it. The cause is, for that the moisture of water as it quencheth coals where it entereth, so it doth allay heat where it toucheth: and therefore note well, that moisture, although it doth not pass through bodies, without communication of some substance, as heat and cold do, yet it worketh manifest effects; not by entrance of the body, but by qualifying of the heat and cold; as we see in this instance: and we see, likewise, that the water of things distilled in water, which they call the bath, differeth not much from the water of things distilled by fire. We see also, that pewter dishes with water in them will not melt easily, but without it they will; nay we see more, that butter, or oil, which in themselves are inflammable, yet by virtue of their moisture will do the like.

Experiment solitary touching yawning.

685. It hath been noted by the ancients, that it is dangerous to pick one's ear whilst he yawneth. The cause is, for that in yawning the inner parchment of the ear is extended, by the drawing in of

the spirit and breath; for in yawning, and sighing both, the spirit is first strongly drawn in, and then strongly expelled.

Experiment solitary touching the hiccough.

686. It hath been observed by the ancients, that sneezing doth cease the hiccough. The cause is, for that the motion of the hiccough is a lifting up of the stomach, which sneezing doth somewhat depress, and divert the motion another way. For first we see that the hiccough cometh of fulness of meat, especially in children, which causeth an extension of the stomach: we see also it is caused by acid meats, or drinks, which is by the pricking of the stomach; and this motion is ceased either by diversion, or by detention of the spirits; diversion, as in sneezing; detention, as we see holding of the breath doth help somewhat to cease the hiccough; and putting a man into an earnest study doth the like, as is commonly used: and vinegar put to the nostrils, or gargarised, doth it also; for that it is astringent, and inhibiteth the motion of the spirits.

Experiment solitary touching sneezing.

687. Looking against the sun doth induce sneezing. The cause is not the heating of the nostrils, for then the holding up of the nostrils against the sun, though one wink, would do it; but the drawing down of the moisture of the brain: for it will make the eyes run with water; and the drawing of moisture to the eyes, doth draw it to the nostrils by motion of consent; and so followeth sneezing: as contrariwise, the tickling of the nostrils within, doth draw the moisture to the nostrils, and to the eyes by consent; for they also will water. But yet it hath been observed, that if one be about to sneeze, the rubbing of the eyes till they run with water will prevent it. Whereof the cause is, for that the humour which was descending to the nostrils, is diverted to the eyes.

Experiment solitary touching the tenderness of the teeth.

688. The teeth are more by cold drink, or the like, affected than the other parts. The cause is double; the one, for that the resistance of bone to cold is greater than of flesh, for that the flesh shrinketh, but the bone resisteth, whereby the cold becometh more eager: the other is, for that the teeth are parts without blood; whereas blood helpeth to qualify the cold; and therefore we see that the nerves are much affected with cold, for that they are parts without blood; so the bones in sharp colds wax brittle: and therefore it hath been seen, that all contusions of bones in hard weather are more difficult to cure.

Experiment solitary touching the tongue.

689. It hath been noted, that the tongue receiveth more easily tokens of diseases than the other parts; as of heats within, which appear most in the blackness of the tongue. Again, pyed cattle are spotted in their tongues, &c. The cause is, no doubt, the tenderness of the part, which thereby receiveth more easily all alterations, than any other parts of the flesh.

Experiment solitary touching the taste.

690. When the mouth is out of taste, it maketh things taste sometimes salt, chiefly bitter; and sometime loathsome, but never sweet. The cause is, the corrupting of the moisture about the tongue, which many times turneth bitter, and salt, and loathsome; but sweet never; for the rest are degrees of corruption.

Experiment solitary touching some prognostics of pestilential seasons.

691. It was observed in the great plague of the last year, that there were seen in divers ditches and low grounds about London, many toads that had tails two or three inches long at the least; whereas toads usually have no tails at all. Which argueth a great disposition to putrefaction in the soil and air. It is reported likewise, that roots, such as carrots and parsnips, are more sweet and luscious in infectious years than in other years.

Experiment solitary touching special simples for medicines.

692. Wise physicians should with all diligence inquire, what simples nature yieldeth that have extreme subtile parts, without any mordication or acrimony: for they undermine that which is hard; they open that which is stopped and shut; and they expel that which is offensive, gently, without too much perturbation. Of this kind are elder-flowers; which therefore are proper for the stone: of this kind is the dwarf-pine; which is proper for the jaundice: of this kind is hartshorn; which is proper for agues and infections: of this kind is piony; which is proper for stoppings in the head: of this kind is fumitory; which is proper for the spleen: and a number of others. Generally, divers creatures bred of putrefaction, though they be somewhat loathsome to take, are of this kind; as earth-worms, timber-sows, snails, &c. And I conceive that the trochisks of vipers, which are so much magnified, and the flesh of snakes some ways condited, and corrected, which of late are grown into some credit, are of the same nature. So the parts of beasts putrified, as castoreum and musk, which have extreme subtile parts, are to be placed amongst them. We see also, that putrefactions of plants, as agaric and Jew's ear, are of greatest virtue. The cause is, for that putrefaction is the subtilest of all motions in the parts of bodies: and since we cannot take down the lives of living creatures, which some of the Paracelsians say, if they could be taken down, would make us immortal; the next is for subtilty of operation, to take bodies putrified; such as may be safely taken.

Experiments in consort touching Venus.

693. It hath been observed by the ancients, that much use of Venus doth dim the sight; and yet eunuchs, which are unable to generate, are nevertheless also dim-sighted. The cause of dimness of sight in the former, is the expense of spirits; in the latter, the over-moisture of the brain: for the over-moisture

of the brain doth thicken the spirits visual, and obstructeth their passages; as we see by the decay in the sight in age; where also the diminution of the spirits concurreth as another cause: we see also that blindness cometh by rheums and cataracts. Now in eunuchs there are all the notes of moisture; as the swelling of their thighs, the looseness of their belly, the smoothness of their skin, &c.

694. The pleasure in the act of Venus is the greatest of the pleasures of the senses: the matching of it with itch is improper, though that also be pleasing to the touch. But the causes are profound. First, all the organs of the senses qualify the motions of the spirits; and make so many several species of motions, and pleasures or displeasures thereupon, as there be diversities of organs. The instruments of sight, hearing, taste, and smell, are of several frame; and so are the parts for generation. Therefore Scaliger doth well to make the pleasure of generation a sixth sense; and if there were any other differing organs, and qualified perforations for the spirits to pass, there would be more than the five senses: neither do we well know, whether some beasts and birds have not senses that we know not, and the very scent of dogs is almost a sense by itself. Secondly, the pleasures of the touch are greater and deeper than those of the other senses: as we see in warming upon cold; or refrigeration upon heat: for as the pains of the touch are greater than the offences of other senses; so likewise are the pleasures. It is true, that the affecting of the spirits immediately, and, as it were, without an organ, is of the greatest pleasure; which is but in two things: sweet smells, and wine, and the like sweet vapours. For smells, we see their great and sudden effect in fetching men again when they swoon: for drink, it is certain that the pleasure of drunkenness is next the pleasure of Venus; and great joys, likewise, make the spirits move and touch themselves: and the pleasure of Venus is somewhat of the same kind.

695. It hath been always observed, that men are more inclined to Venus in the winter, and women in the summer. The cause is, for that the spirits, in a body more hot and dry, as the spirits of men are, by the summer are more exhaled and dissipated; and in the winter more condensed and kept entire; but in bodies that are cold and moist, as women's are, the summer doth cherish the spirits, and calleth them forth; the winter doth dull them. Furthermore, the abstinence, or intermission of the use of Venus in moist and well habituate bodies, breedeth a number of diseases: and especially dangerous imposthumations. The reason is evident; for that it is a principal evacuation, especially of the spirits: for of the spirits there is scarce any evacuation but in Venus and exercise. And therefore the omission of either of them breedeth all diseases of repletion.

Experiments in consort touching the insecta.

The nature of vivification is very worthy the inquiry: and as the nature of things is commonly better perceived in small than in great; and in imperfect than in perfect; and in parts than in whole: so the nature of vivification is best inquired in creatures bred of putrefaction. The contemplation whereof hath many excellent fruits. First, in disclosing the original of vivification. Secondly, in disclosing the original of figuration. Thirdly, in disclosing many things in the nature of perfect creatures, which in them lie more hidden. And fourthly, in traducing, by way of operation, some observations on the insecta, to work effects upon perfect creatures. Note, that the word insecta agreeth not with the matter, but we ever use it for brevity's sake, intending by it creatures bred of putrefaction.

696. The insecta are found to breed out of several matters: some breed of mud or dung; as the earthworms, eels, snakes, &c. For they are both putrefactions: for water in mud doth putrify, as not able to preserve itself: and for dung, all excrements are the refuse and putrefactions of nourishment. Some breed in wood, both growing and cut down. Query, in what woods most, and at what seasons? We see that the worms with many feet, which round themselves into balls, are bred chiefly under logs of timber, but not in the timber; and they are said to be found also many times in gardens, where no logs are. But it seemeth their generation requireth a coverture, both from sun and rain or dew, as the timber is; and therefore they are not venomous, but contrariwise are held by the physicians to clarify the blood. It is observed also, that cimices are found in the holes of bedsides. Some breed in the hair of living creatures, as lice and tikes; which are bred by the sweat close kept, and somewhat arefied by the hair. The excrements of living creatures do not only breed insecta when they are excerned, but also while they are in the body: as in worms, whereto children are most subject, and are chiefly in the guts. And it hath been lately observed by physicians, that in many pestilent diseases, there are worms found in the upper parts of the body, where excrements are not, but only humours putrified. Fleas breed principally of straw or mats, where there hath been a little moisture; or the chamber and bed-straw kept close and not aired. It is received, that they are killed by strewing wormwood in the rooms. And it is truly observed, that bitter things are apt rather to kill, than engender putrefaction; and they be things that are fat or sweet that are aptest to putrify. There is a worm that breedeth in meal, of the shape of a large white maggot, which is given as a great dainty to nightingales. The moth breedeth upon cloth and other lanifices; especially if they be laid up dankish and wet. It delighteth to be about the flame of a candle. There is a worm called a wevil, bred under ground, and that feedeth upon roots; as parsnips, carrots, &c. Some breed in waters, especially shaded, but they must be standing waters; as the water-spider that hath six legs. The fly called the gad-fly, breedeth of somewhat that swimmeth upon the top of the water, and is most about ponds. There is a worm that breedeth of the dregs of wine decayed; which afterwards, as is observed by some of the ancients, turneth into a gnat. It hath been observed by the ancients, that there is a worm that breedeth in old snow, and is of colour reddish, and dull of

motion, and dieth soon after it cometh out of snow. Which should show, that snow hath in it a secret warmth; for else it could hardly vivify. And the reason of the dying of the worm, may be the sudden exhaling of that little spirit, as soon as it cometh out of the cold, which had shut it in. For as butterflies quicken with heat, which were benumbed with cold; so spirits may exhale with heat, which were preserved in cold. It is affirmed both by the ancient and modern observation, that in furnaces of copper and brass, where chalcites, which is vitriol, is often cast in to mend the working, there riseth suddenly a fly, which sometimes moveth as if it took hold of the walls of the furnace; sometimes is seen moving in the fire below; and dieth presently as soon as it is out of the furnace: which is a noble instance and worthy to be weighed; for it showeth, that as well violent heat of fire, as the gentle heat of living creatures, will vivify if it have matter proportionable. Now the great axiom of vivification is, that there must be heat to dilate the spirit of the body; an active spirit to be dilated; matter viscous or tenacious to hold in the spirit; and that matter to be put forth and figured. Now a spirit dilated by so ardent a fire as that of the furnace, as soon as ever it cooleth never so little, congealeth presently. And, no doubt, this action is farthered by the chalcites, which hath a spirit that will put forth and germinate, as we see in chemical trials. Briefly, most things putrified bring forth insecta of several names; but we will not take upon us now to enumerate them all.

697. The insecta have been noted by the ancients to feed little: but this hath not been diligently observed; for grasshoppers eat up the green of whole countries; and silk-worms devour leaves swiftly; and ants make great provision. It is true, that creatures that sleep and rest much, eat little; as dormire and bats, &c. They are all without blood: which may be, for that the juice of their bodies is almost all one; not blood, and flesh, and skin, and bone, as in perfect creatures; the integral parts have extreme variety, but the similar parts little. It is true, that they have, some of them, a diaphragm and an intestine; and they have all skins; which in most of the insecta are cast often. They are not, generally, of long life; yet bees have been known to live seven years: and snakes are thought, the rather for the casting of their spoil, to live till they be old: and eels, which many times breed of putrefaction, will live and grow very long: and those that interchange from worms to flies in the summer, and from flies to worms in the winter, have been kept in boxes four years at the least. Yet there are certain flies that are called ephemera that live but a day. The cause is the exility of the spirit, or perhaps the absence of the sun; for that if they were brought in, or kept close, they might live longer. Many of the insecta, as butterflies and other flies, revive easily when they seem dead, being brought to the sun or fire. The cause whereof is the diffusion of the vital spirit, and the easy dilating of it by a little heat. They stir a good while after their heads are off, or that they be cut in pieces; which is caused also, for that their vital spirits are more diffused throughout all their parts, and less confined to organs than in perfect creatures.

698. The insecta have voluntary motion, and therefore imagination; and whereas some of the ancients have said, that their motion is indeterminate, and their imagination indefinite, it is negligently observed; for ants go right forwards to their hills; and bees do admirably know the way from a flowery heath two or three miles off to their hives. It may be, gnats and flies have their imagination more mutable and giddy, as small birds likewise have. It is said by some of the ancients, that they have only the sense of feeling, which is manifestly untrue; for if they go forth-right to a place, they must needs have sight; besides, they delight more in one flower or herb than in another, and therefore have taste: and bees are called with sound upon brass, and therefore they have hearing; which showeth likewise, that though their spirit be diffused, yet there is a seat of their senses in their head.

Other observations concerning the insecta, together with the enumeration of them, we refer to that place, where we mean to handle the title of animals in general.

Experiment solitary touching leaping.

699. A man leapeth better with weights in his hands than without. The cause is, for that the weight, if it be proportionable, strengtheneth the sinews by contracting them. For otherwise, where no contraction is needful, weight hindereth. As we see in horse-races, men are curious to foresee, that there be not the least weight upon the one horse more than upon the other. In leaping with weights the arms are first cast backwards, and then forwards, with so much the greater force; for the hands go backward before they take their rise. *Query*, if the contrary motion of the spirits immediately before the motion we intend, doth not cause the spirits as it were to break forth with more force; as breath also, drawn and kept in, cometh forth more forcibly; and in casting of any thing, the arms, to make a greater swing, are first cast backward.

Experiment solitary touching the pleasures and displeasures of the senses, especially of hearing.

700. Of musical tones and unequal sounds we have spoken before; but touching the pleasure and displeasure of the senses, not so fully. Harsh sounds, as of a saw when it is sharpened; grinding of one stone against another; squeaking or shrieking noise; make a shivering or horror in the body, and set the teeth on edge. The cause is, for that the objects of the ear do affect the spirits, immediately, most with pleasure and offence. We see there is no colour that affecteth the eye much with displeasure; there be sights that are horrible, because they excite the memory of things that are odious or fearful; but the same things painted do little affect. As for smells, tastes, and touches, they be things that do affect by a participation or impulsion of the body of the object. So it is sound alone that doth immediately and incorporeally affect

most; this is most manifest in music; and concords and discords in music; for all sounds, whether they be sharp or flat, if they be sweet, have a roundness and equality; and if they be harsh, are unequal; for a discord itself is but a harshness of divers sounds meeting. It is true that inequality not stayed upon, but passing, is rather an increase of sweetness; as in the purling of a wreathed string; and in the raucity of a trumpet; and in the nightingale-pipe of a regal; and in a discord straight falling upon a concord; but if you stay upon it it is offensive: and therefore there be these three degrees of pleasing and displeasing in sounds, sweet sounds, discords and harsh sounds, which we call by divers names, as shrieking or grating, such as we now speak of. As for the setting of the teeth on edge, we see plainly what an intercourse there is between the teeth and the organ of the hearing, by the taking of the end of a bow between the teeth and striking upon the string.

CENTURY VIII.

Experiment solitary touching veins of medicinal earth.

701. THERE be minerals and fossils in great variety; but of veins of earth medicinal, but few; the chief are, terra lemnia, terra sigillata communis, and bolus armenus; whereof terra lemnia is the chief. The virtues of them are, for curing of wounds, stanching of blood, stopping of fluxes, and rheums, and arresting the spreading of poison, infection, and putrefaction: and they have of all other simples the perfectest and purest quality of drying, with little or no mixture of any other quality. Yet it is true, that the bole-armoniac is the most cold of them, and that terra lemnia is the most hot; for which cause the island Lemnos, where it is digged, was in the old fabulous ages consecrated to Vulcan.

Experiment solitary touching the growth of sponges.

702. About the bottom of the Straits are gathered great quantities of sponges, which are gathered from the sides of rocks, being as it were a large but tough moss. It is the more to be noted, because that there be but few substances, plant-like, that grow deep within the sea; for they are gathered sometimes fifteen fathom deep: and when they are laid on shore, they seem to be of great bulk: but crushed together, will be transported in a very small room.

Experiment solitary touching sea-fish put in fresh waters.

703. It seemeth, that fish that are used to the salt water, do nevertheless delight more in fresh. We see, that salmons and smelts love to get into rivers, though it be against the stream. At the haven of Constantinople you shall have great quantities of fish that come from the Euxine sea, that when they come into the fresh water, do inebriate, and turn up their bellies, so as you may take them with your hand. I doubt there hath not been sufficient experiment made of putting sea fish into fresh water ponds, and pools. It is a thing of great use and pleasure; for so you may have them new at some good distance from the sea: and besides, it may be, the fish will eat the pleasanter, and may fall to breed. And it is said, that Colchester oysters, which are put into pits, where the sea goeth and cometh, but yet so that there is fresh water coming also to them when the sea voideth, become by that means fatter, and more grown.

Experiment solitary touching attraction by similitude of substance.

704. The Turkish bow giveth a very forcible shoot; insomuch as it hath been known, that the arrow hath pierced a steel target, or a piece of brass of two inches thick: but that which is more strange, the arrow, if it be headed with wood, hath been known to pierce through a piece of wood of eight inches thick. And it is certain, that we had in use at one time, for sea fight, short arrows, which they called sprights, without any other heads, save wood sharpened; which were discharged out of muskets, and would pierce through the sides of ships where a bullet would not pierce. But this dependeth upon one of the greatest secrets in all nature; which is, that similitude of substance will cause attraction, where the body is wholly freed from the motion of gravity: for if that were taken away, lead would draw lead, and gold would draw gold; and iron would draw iron, without the help of the loadstone. But this same motion of weight or gravity, which is a mere motion of the matter, and hath no affinity with the form or kind, doth kill the other motion, except itself be killed by a violent motion, as in these instances of arrows; for then the motion of attraction by similitude of substance beginneth to show itself. But we shall handle this point of nature fully in due place.

Experiment solitary touching certain drinks in Turkey.

705. They have in Turkey and the east certain confections, which they call servets, which are like to candied conserves, and are made of sugar and lemons, or sugar and citrons, or sugar and violets, and some other flowers; and some mixture of amber for the more delicate persons: and those they dissolve in water, and thereof make their drink, because they are forbidden wine by their law. But I do much marvel, that no Englishman, or Dutchman, or German, doth set up brewing in Constantinople: considering they have such quantity of barley. For

as for the general sort of men, frugality may be the cause of drinking water; for that it is no small saving to pay nothing for one's drink; but the better sort might well be at the cost. And yet I wonder the less at it, because I see France, Italy, or Spain, have not taken into use beer or ale; which, perhaps, if they did, would better both their healths and their complexions. It is likely it would be matter of great gain to any that should begin it in Turkey.

Experiments in consort touching sweat.

706. In bathing in hot water, sweat, nevertheless, cometh not in the parts under the water. The cause is; first, for that sweat is a kind of colliquation, and that kind of colliquation is not made either by an over-dry heat, or an over-moist heat: for over-moisture doth somewhat extinguish the heat, as we see that even hot water quencheth fire; and over-dry heat shutteth the pores: and therefore men will sooner sweat covered before the sun or fire, than if they stood naked: and earthen bottles, filled with hot water, do provoke in bed a sweat more daintily than brick-bats hot. Secondly, hot water doth cause evaporation from the skin; so as it spendeth the matter in those parts under the water, before it issueth in sweat. Again, sweat cometh more plentifully, if the heat be increased by degrees, than if it be greatest at first, or equal. The cause is, for that the pores are better opened by a gentle heat, than by a more violent: and by their opening, the sweat issueth more abundantly. And therefore physicians may do well when they provoke sweat in bed by bottles, with a decoction of sudorific herbs in hot water, to make two degrees of heat in the bottles; and to lay in the bed the less heated first, and after half an hour, the more heated.

707. Sweat is salt in taste; the cause is, for that that part of the nourishment which is fresh and sweet, turneth into blood and flesh; and the sweat is only that part which is separate and excerned. Blood also raw hath some saltness more than flesh: because the assimilation into flesh is not without a little and subtile excretion from the blood.

708. Sweat cometh forth more out of the upper parts of the body than the lower; the reason is, because those parts are more replenished with spirits; and the spirits are they that put forth sweat: besides, they are less fleshy, and sweat issueth, chiefly, out of the parts that are less fleshy, and more dry; as the forehead and breast.

709. Men sweat more in sleep than waking; and yet sleep doth rather stay other fluxions, than cause them; as rheums, looseness of the body, &c. The cause is, for that in sleep the heat and spirits do naturally move inwards, and there rest. But when they are collected once within, the heat becometh more violent and irritate; and thereby expelleth sweat.

710. Cold sweats are, many times, mortal, and near death; and always ill, and suspected; as in great fears, hypochondriacal passions, &c. The cause is, for that cold sweats come by a relaxation or forsaking of the spirits, whereby the moisture of the body, which heat did keep firm in the parts, severeth and issueth out.

711. In those diseases which cannot be discharged by sweat, sweat is ill, and rather to be stayed; as in diseases of the lungs, and fluxes of the belly: but in those diseases which are expelled by sweat, it easeth and lighteneth; as in agues, pestilences, &c. The cause is, for that sweat in the latter sort is partly critical, and sendeth forth the matter that offendeth; but in the former, it either proceedeth from the labour of the spirits, which showeth them oppressed; or from motion of consent, when nature, not able to expel the disease where it is seated, moveth to an expulsion indifferent over all the body.

Experiment solitary touching the glow-worm.

712. The nature of the glow-worm is hitherto not well observed. Thus much we see; that they breed chiefly in the hottest months of summer; and that they breed not in champain, but in bushes and hedges. Whereby it may be conceived, that the spirit of them is very fine, and not to be refined but by summer heats: and again, that by reason of the fineness, it doth easily exhale. In Italy, and the hotter countries, there is a fly they call Lucciole, that shineth as the glow-worm doth; and it may be is the flying glow-worm. But that fly is chiefly upon fens and marshes. But yet the two former observations hold; for they are not seen but in the heat of summer; and sedge, or other green of the fens, give as good shade as bushes. It may be the glow-worms of the cold countries ripen not so far as to be winged.

Experiments in consort touching the impressions, which the passions of the mind make upon the body.

713. The passions of the mind work upon the body the impressions following. Fear causeth paleness, trembling, the standing of the hair upright, starting, and shrieking. The paleness is caused, for that the blood runneth inward to succour the heart. The trembling is caused, for that through the flight of the spirits inward, the outward parts are destituted, and not sustained. Standing upright of the hair is caused, for that by shutting of the pores of the skin, the hair that lieth aslope must needs rise. Starting is both an apprehension of the thing feared, and in that kind it is a motion of shrinking, and likewise an inquisition in the beginning, what the matter should be; and in that kind it is a motion of erection: and therefore when a man would listen suddenly to any thing, he starteth; for the starting is an erection of the spirits to attend. Shrieking is an appetite of expelling that which suddenly striketh the spirits: for it must be noted, that many motions, though they be unprofitable to expel that which hurteth, yet they are offers of nature, and cause motions by consent; as in groaning or crying upon pain.

714. Grief and pain cause sighing, sobbing, groaning, screaming, and roaring; tears, distorting of the face, grinding of the teeth, sweating. Sighing is

caused by the drawing in of a greater quantity of breath to refresh the heart that laboureth; like a great draught when one is thirsty. Sobbing is the same thing stronger. Groaning, and screaming, and roaring, are caused by an appetite of expulsion, as hath been said: for when the spirits cannot expel the thing that hurteth, in their strife to do it, by motion of consent, they expel the voice. And this is when the spirits yield, and give over to resist: for if one do constantly resist pain, he will not groan. Tears are caused by contraction of the spirits of the brain; which contraction by consequence astringeth the moisture of the brain, and thereby sendeth tears into the eyes. And this contraction or compression causeth also wringing of the hands; for wringing is a gesture of expression of moisture. The distorting of the face is caused by a contention, first to bear and resist, and then to expel; which maketh the parts knit first, and afterwards open. Grinding of the teeth is caused, likewise, by a gathering and serring of the spirits together to resist, which maketh the teeth also to set hard one against another. Sweating is also a compound motion, by the labour of the spirits, first to resist, and then to expel.

715. Joy causeth a cheerfulness and vigour in the eyes, singing, leaping, dancing, and sometimes tears. All these are the effects of the dilatation and coming forth of the spirits into the outward parts; which maketh them more lively and stirring. We know it hath been seen, that excessive sudden joy hath caused present death, while the spirits did spread so much as they could not retire again. As for tears, they are the effects of compression of the moisture of the brain, upon dilatation of the spirits. For compression of the spirits worketh an expression of the moisture of the brain by consent, as hath been said in grief. But then in joy, it worketh it diversely; viz. by propulsion of the moisture, when the spirits dilate, and occupy more room.

716. Anger causeth paleness in some, and the going and coming of the colour in others: also trembling in some: swelling, foaming at the mouth, stamping, bending of the fist. Paleness, and going and coming of the colour, are caused by the burning of the spirits about the heart; which to refresh themselves, call in more spirits from the outward parts. And if the paleness be alone, without sending forth the colour again, it is commonly joined with some fear; but in many there is no paleness at all, but contrariwise redness about the cheeks and gills; which is by the sending forth of the spirits in an appetite to revenge. Trembling in anger is likewise by a calling in of the spirits; and is commonly when anger is joined with fear. Swelling is caused, both by a dilatation of the spirits by overheating, and by a liquefaction or boiling of the humours thereupon. Foaming at the mouth is from the same cause, being an ebullition. Stamping, and bending of the fist, are caused by an imagination of the act of revenge.

717. Light displeasure or dislike causeth shaking of the head, frowning and knitting of the brows. These effects arise from the same causes that trembling and horror do; namely, from the retiring of the spirits, but in a less degree. For the shakin of the head is but a slow and definite trembling and is a gesture of slight refusal; and we see als that a dislike causeth, often, that gesture of th hand, which we use when we refuse a thing, or wa it away. The frowning and knitting of the brow is a gathering, or serring of the spirits, to resist some measure. And we see also this knitting the brows will follow upon earnest studying, or cog tation of any thing, though it be without dislike.

718. Shame causeth blushing, and casting dow of the eyes. Blushing is the resort of blood to th face; which in the passion of shame is the part th laboureth most. And although the blushing wi be seen in the whole breast if it be naked, yet th is but in passage to the face. As for the castin down of the eyes, it proceedeth of the reverence man beareth to other men; whereby, when he ashamed, he cannot endure to look firmly upon other and we see, that blushing, and the casting down the eyes both, are more when we come before man "ore Pompeii quid mollius? nunquam non cora pluribus erubuit;" and likewise when we come b fore great or reverend persons.

719. Pity causeth sometimes tears; and a flexi or cast of the eye aside. Tears come from th same cause that they do in grief: for pity is b grief in another's behalf. The cast of the eye is gesture of aversion, or lothness to behold the obje of pity.

720. Wonder causeth astonishment, or an u movable posture of the body; casting up of th eyes to heaven, and lifting up of the hands. F astonishment, it is caused by the fixing of the mi upon one object of cogitation, whereby it doth n spatiate and transcur, as it useth; for in wond the spirits fly not, as in fear; but only settle, a are made less apt to move. As for the casting u of the eyes, and lifting up of the hands, it is a ki of appeal to the Deity, which is the author, t power and providence, of strange wonders.

721. Laughing causeth a dilatation of the mou and lips; a continued expulsion of the breath, wi the loud noise, which maketh the interjection laughing; shaking of the breasts and sides; ru ning of the eyes with water, if it be violent and co tinued. Wherein first it is to be understood, th laughing is scarce, properly, a passion, but hath source from the intellect; for in laughing the ever precedeth a conceit of somewhat ridiculou And therefore it is proper to man. Secondly, th the cause of laughing is but a light touch of th spirits, and not so deep an impression as in oth passions. And therefore, that which hath no affini with the passions of the mind, it is moved, and th in great vehemency, only by tickling some parts the body: and we see that men even in a grieved sta of mind, yet cannot sometimes forbear laughin Thirdly, it is ever joined with some degree of li light: and therefore exhilaration hath some affin with joy, though it be a much lighter motion: "re severa est verum gaudium." Fourthly, that th object of it is deformity, absurdity, shrewd turn and the like. Now to speak of the causes of th

effects before mentioned, whereunto these general notes give some light. For the dilatation of the mouth and lips, continued expulsion of the breath and voice, and shaking of the breast and sides, they proceed, all, from the dilatation of the spirits; especially being sudden. So likewise, the running of the eyes with water, as hath been formerly touched, where we spake of the tears of joy and grief, is an effect of dilatation of the spirits. And for suddenness, it is a great part of the matter: for we see, that any shrewd turn that lighteth upon another, or any deformity, &c. moveth laughter in the instant; which after a little time it doth not. So we cannot laugh at any thing after it is stale, but whilst it is new: and even in tickling, if you tickle the sides, and give warning; or give a hard or continued touch, it doth not move laughter so much.

722. Lust causeth a flagrancy in the eyes, and priapism. The cause of both these is, for that in lust, the sight and the touch are the things desired; and therefore the spirits resort to those parts which are most affected. And note well in general, for that great use may be made of the observation, that, evermore, the spirits, in all passions, resort much to the parts that labour most, or are most affected. As in the last which hath been mentioned, they resort to the eyes and venerous parts: in fear and anger to the heart: in shame to the face: and in light dislikes to the head.

Experiments in consort touching drunkenness.

723. It hath been observed by the ancients, and is yet believed, that the sperm of drunken men is unfruitful. The cause is, for that it is over-moistened, and wanteth spissitude: and we have a merry saying, that they that go drunk to bed get daughters.

724. Drunken men are taken with a plain defect, or destitution in voluntary motion. They reel; they tremble; they cannot stand, nor speak strongly. The cause is, for that the spirits of the wine oppress the spirits animal, and occupy part of the place where they are; and so make them weak to move. And therefore drunken men are apt to fall asleep: and opiates, and stupefactives, as poppy, ben-bane, hemlock, &c. induce a kind of drunkenness, by the grossness of their vapour; as wine doth by the quantity of the vapour. Besides, they rob the spirits animal of their matter, whereby they are nourished: for the spirits of the wine prey upon it as well as they: and so they make the spirits less supple and apt to move.

725. Drunken men imagine every thing turneth round; they imagine also that things come upon them; they see not well things afar off; those things that they see near hand, they see out of their place; and sometimes they see things double. The cause of the imagination that things turn round is, for that the spirits themselves turn, being compressed by the vapour of the wine; for any liquid body upon compression turneth, as we see in water: and it is all one to the sight, whether the visual spirits move, or the object moveth, or the medium moveth. And we see that long turning round breedeth the same imagination. The cause of the imagination that things come upon them is, for that the spirits visual themselves draw back; which maketh the object seem to come on; and besides, when they see things turn round and move, fear maketh them think they come upon them. The cause that they cannot see things afar off, is the weakness of the spirits; for in every megrim or vertigo there is an obtenebration joined with a semblance of turning round; which we see also in the lighter sort of swoonings. The cause of seeing things out of their place, is the refraction of the spirits visual; for the vapour is as an unequal medium; and it is as the sight of things out of place in water. The cause of seeing things double, is the swift and unquiet motion of the spirits, being oppressed, to and fro; for as was said before, the motion of the spirits visual, and the motion of the object, make the same appearances; and for the swift motion of the object, we see, that if you fillip a lute-string, it showeth double or treble.

726. Men are sooner drunk with small draughts than with great. And again, wine sugared inebrateth less than wine pure. The cause of the former is, for that the wine descendeth not so fast to the bottom of the stomach, but maketh longer stay in the upper part of the stomach, and sendeth vapours faster to the head; and therefore inebrateth sooner. And for the same reason, sops in wine, quantity for quantity, inebriate more than wine of itself. The cause of the latter is, for that the sugar doth inspissate the spirits of the wine, and maketh them not so easy to resolve into vapour. Nay farther, it is thought to be some remedy against inebriating, if wine sugared be taken after wine pure. And the same effect is wrought either by oil or milk, taken upon much drinking.

Experiment solitary touching the help or hurt of wine, though moderately used.

727. The use of wine in dry and consumed bodies is hurtful; in moist and full bodies it is good. The cause is, for that the spirits of the wine do prey upon the dew or radical moisture, as they term it, of the body, and so deceive the animal spirits. But where there is moisture enough, or superfluous, there wine helpeth to digest, and desiccate the moisture.

Experiment solitary touching caterpillars.

728. The caterpillar is one of the most general of worms, and breedeth of dew and leaves; for we see infinite number of caterpillars which breed upon trees and hedges, by which the leaves of the trees or hedges are in great part consumed; as well by their breeding out of the leaf, as by their feeding upon the leaf. They breed in the spring chiefly, because then there is both dew and leaf. And they breed commonly when the east winds have much blown; the cause whereof is, the dryness of that wind; for to all vivification upon putrefaction, it is requisite the matter be not too moist: and therefore we see they have cobwebs about them, which is a sign of a slimy dryness; as we see upon the ground, whereupon, by dew and sun, cobwebs breed all over.

We see also the green caterpillar breedeth in the inward parts of roses, especially not blown, where the dew sticketh; but especially caterpillars, both the greatest, and the most, breed upon cabbages, which have a fat leaf, and apt to putrify. The caterpillar, towards the end of summer, waxeth volatile, and turneth to a butterfly, or perhaps some other fly. There is a caterpillar that hath a fur or down upon it, and seemeth to have affinity with the silk-worm.

Experiment solitary touching the flies cantharides.

729. The flies cantharides are bred of a worm or caterpillar, but peculiar to certain fruit-trees; as are the fig-tree, the pine-tree, and the wild brier; all which bear sweet fruit, and fruit that hath a kind of secret biting or sharpness: for the fig hath a milk in it that is sweet and corrosive; the pine-apple hath a kernel that is strong and abstersive; the fruit of the brier is said to make children, or those that eat them, scabbed. And therefore no marvel, though cantharides have such a corrosive and cauterising quality; for there is not any other of the insecta, but is bred of a duller matter. The body of the cantharides is bright coloured; and it may be, that the delicate coloured dragon-flies may have likewise some corrosive quality.

Experiments in consort touching lassitude.

730. Lassitude is remedied by bathing, or anointing with oil and warm water. The cause is, for that all lassitude is a kind of contusion, and compression of parts; and bathing and anointing give a relaxation or emollition; and the mixture of oil and water is better than either of them alone; because water entereth better into the pores, and oil after entry softeneth better. It is found also, that the taking of tobacco doth help and discharge lassitude. The reason whereof is, partly, because by cheering or comforting of the spirits, it openeth the parts compressed or contused; and chiefly because it refreshes the spirits by the opiate virtue thereof, and so dischargeth weariness, as sleep likewise doth.

731. In going up a hill, the knees will be most weary; in going down a hill, the thighs. The cause is, for that in the lift of the feet, when a man goeth up the hill, the weight of the body beareth most upon the knees; and in going down the hill, upon the thighs.

Experiment solitary touching the casting of the skin and shell in some creatures.

732. The casting of the skin is by the ancients compared to the breaking of the secundine, or caul, but not rightly: for that were to make every casting of the skin a new birth: and besides, the secundine is but a general cover, not shaped according to the parts, but the skin is shaped according to the parts. The creatures that cast their skin are the snake, the viper, the grasshopper, the lizard, the silk-worm, &c. Those that cast their shell are, the lobster, the crab, the crawfish, the hodmandod or dodman, the tortoise, &c. The old skins are found, but the old shells never: so as it is like, they scale off, and crumble away by degrees. And they are known by the extreme tenderness and softness of the new shell, and sometimes by the freshness of the colour of it. The cause of the casting of skin and shell should seem to be the great quantity of matter in those creatures that is fit to make skin or shell: and again, the looseness of the skin or shell, that sticketh not close to the flesh. For it is certain, that it is the new skin or shell that putteth off the old: so we see, that in deer it is the young horn that putteth off the old; and in birds, the young feathers put off the old: and so birds that have much matter for their beak, cast their beaks, the new beak putting off the old.

Experiments in consort touching the postures of the body.

733. Lying not erect, but hollow, which is in the making of the bed; or with the legs gathered up, which is in the posture of the body, is the more wholesome. The reason is, the better comforting of the stomach, which is by that less pensile: and we see that in weak stomachs, the laying up of the legs high, and the knees almost to the mouth, helpeth and comforteth. We see also, that galley-slaves, notwithstanding their misery otherwise, are commonly fat and fleshy; and the reason is, because the stomach is supported somewhat in sitting, and is pensile in standing or going. And therefore, for prolongation of life, it is good to choose those exercises where the limbs move more than the stomach and belly; as in rowing, and in sawing, being set.

734. Megrims and giddiness are rather when we rise after long sitting, than while we sit. The cause is, for that the vapours, which were gathered by sitting, by the sudden motion fly more up into the head.

735. Leaning long upon any part maketh it numb, and, as we call it, asleep. The cause is, for that the compression of the part suffereth not the spirits to have free access; and therefore when we come out of it, we feel a stinging or pricking, which is the re-entrance of the spirits.

Experiment solitary touching pestilential years.

736. It hath been noted, that those years are pestilential and unwholesome, when there are great numbers of frogs, flies, locusts, &c. The cause is plain; for that those creatures being engendered of putrefaction, when they abound, show a general disposition of the year, and constitution of the air, to diseases of putrefaction. And the same prognostic, as hath been said before, holdeth, if you find worms in oak-apples: for the constitution of the air appeareth more subtilly in any of these things, than to the sense of man.

Experiment solitary touching the prognostics of hard winters.

737. It is an observation amongst country people, that years of store of haws and hips do commonly portend cold winters; and they ascribe it to God's providence, that, as the Scripture saith, reacheth

even to the falling of a sparrow; and much more is like to reach to the preservation of birds in such seasons. The natural cause also may be the want of heat, and abundance of moisture, in the summer precedent; which putteth forth those fruits, and must needs leave great quantity of cold vapours not dissipated; which causeth the cold of the winter following.

Experiment solitary touching medicines that condense and relieve the spirits.

738. They have in Turkey a drink called coffee, made of a berry of the same name, as black as soot, and of a strong scent, but not aromatical; which they take, beaten into powder, in water, as hot as they can drink it: and they take it, and sit at it in their coffee-houses, which are like our taverns. This drink comforteth the brain and heart, and helpeth digestion. Certainly this berry coffee, the root and leaf beetle, the leaf tobacco, and the tear of poppy, opium, of which the Turks are great takers, supposing it expelleth all fear, do all condense the spirits, and make them strong and aleger. But it seemeth they are taken after several manners; for coffee and opium are taken down, tobacco but in smoke, and beetle is but champed in the mouth with a little lime. It is like there are more of them, if they were well found out, and well corrected. *Query*, of henbane-seed; of mandrake; of saffron, root and flower; of folium indicum; of ambergrease; of the Assyrian amomum, if it may be had; and of the scarlet powder which they call kermes; and, generally, of all such things as do inebriate and provoke sleep. Note, that tobacco is not taken in root or seed, which are more forcible ever than leaves.

Experiment solitary touching paintings of the body.

739. The Turks have a black powder, made of a mineral called alcohol, which with a fine long pencil they lay under their eye-lids, which doth colour them black; whereby the white of the eye is set off more white. With the same powder they colour also the hairs of their eye-lids, and of their eyebrows, which they draw into embowed arches. You shall find that Xenophon maketh mention, that the Medes used to paint their eyes. The Turks use with the same tincture to colour the hair of their heads and beards black. And divers with us that are grown grey, and yet would appear young, find means to make their hair black, by combing it, as they say, with a leaden comb, or the like. As for the Chineses, who are of an ill complexion, being olivaster, they paint their cheeks scarlet, especially their king and grandees. Generally, barbarous people, that go naked, do not only paint themselves, but they pounce and raise their skin, that the painting may not be taken forth; and make it into works. So do the West Indians; and so did the ancient Picts and Britons; so that it seemeth men would have the colours of birds' feathers, if they could tell how: or at least they will have gay skins instead of gay clothes.

Experiment solitary touching the use of bathing and anointing.

740. It is strange that the use of bathing, as a part of diet, is left. With the Romans and Grecians it was as usual as eating or sleeping; and so is it amongst the Turks at this day; whereas with us it remaineth but as a part of physic. I am of opinion, that the use of it, as it was with the Romans, was hurtful to health: for that it made the body soft, and easy to waste. For the Turks it is more proper, because that their drinking water and feeding upon rice, and other food of small nourishment, maketh their bodies so solid and hard, as you need not fear that bathing should make them frothy. Besides, the Turks are great sitters, and seldom walk; whereby they sweat less and need bathing more. But yet certain it is that bathing, and especially anointing, may be so used as it may be a great help to health, and prolongation of life. But hereof we shall speak in due place, when we come to handle experiments medicinal.

Experiments in consort touching chambletting of paper.

741. The Turks have a pretty art of chambletting of paper, which is not with us in use. They take divers oiled colours, and put them severally, in drops, upon water, and stir the water lightly, and then wet their paper, being of some thickness, with it, and the paper will be waved and veined, like chamblet or marble.

Experiment solitary touching cuttle-ink.

742. It is somewhat strange, that the blood of all birds and beasts and fishes should be of a red colour, and only the blood of the cuttle should be as black as ink. A man would think, that the cause should be the high concoction of that blood; for we see in ordinary puddings, that the boiling turneth the blood to be black; and the cuttle is accounted a delicate meat, and is much in request.

Experiment solitary touching increase of weight in earth.

743. It is reported of credit, that if you take earth from land adjoining to the river of Nile, and preserve it in that manner that it neither come to be wet nor wasted; and weigh it daily, it will not alter weight until the seventeenth of June, which is the day when the river beginneth to rise; and then it will grow more and more ponderous, till the river cometh to its height. Which if it be true, it cannot be caused but by the air, which then beginneth to condense; and so turneth within that small mold into a degree of moisture, which produceth weight. So it hath been observed, that tobacco cut, and weighed, and then dried by the fire, loseth weight; and after being laid in the open air, recovereth weight again. And it should seem that as soon as ever the river beginneth to increase, the whole body of the air thereabouts suffereth a change: for, that which is more strange, it is credibly affirmed, that upon that

very day when the river first riseth, great plagues in Cairo use suddenly to break up.

Experiments in consort touching sleep.

744. Those that are very cold, and especially in their feet, cannot get to sleep: the cause may be, for that in sleep is required a free respiration, which cold doth shut in and hinder; for we see that in great colds one can scarce draw his breath. Another cause may be, for that cold calleth the spirits to succour; and therefore they cannot so well close, and go together in the head: which is ever requisite to sleep. And for the same cause, pain and noise hinder sleep; and darkness, contrariwise, furthereth sleep.

745. Some noises, whereof we spake in the hundred and twelfth experiment, help sleep: as the blowing of the wind, the trickling of water, humming of bees, soft singing, reading, &c. The cause is, for that they move in the spirits a gentle attention; and whatsoever moveth attention without too much labour stilleth the natural and discursive motion of the spirits.

746. Sleep nourisheth, or at least preserveth bodies, a long time, without other nourishment. Beasts that sleep in winter, as it is noted of wild bears, during their sleep wax very fat, though they eat nothing. Bats have been found in ovens and other hollow close places, matted one upon another: and therefore it is likely that they sleep in the winter time, and eat nothing. *Query*, whether bees do not sleep all winter, and spare their honey? Butterflies, and other flies, do not only sleep, but lie as dead all winter: and yet with a little heat of sun or fire, revive again. A dormouse both winter and summer, will sleep some days together, and eat nothing.

Experiments in consort touching teeth and hard substances in the bodies of living creatures.

To restore teeth in age, were magnale naturæ. It may be thought of. But howsoever, the nature of the teeth deserveth to be inquired of, as well as the other parts of living creatures' bodies.

747. There be five parts in the bodies of living creatures, that are of hard substance; the skull, the teeth, the bones, the horns, and the nails. The greatest quantity of hard substance continued is towards the head. For there is the skull of an entire bone; there are the teeth; there are the maxillary bones; there is the hard bone that is the instrument of hearing; and thence issue the horns; so that the building of living creatures' bodies is like the building of a timber house, where the walls and other parts have columns and beams; but the roof is, in the better sort of houses, all tile, or lead, or stone. As for birds, they have three other hard substances proper to them; the bill, which is of like matter with the teeth: for no birds have teeth: the shell of the egg: and their quills: for as for their spur, it is but a nail. But no living creatures that have shells very hard, as oysters, cockles, muscles, scallops, crabs, lobsters, crawfish, shrimps, and especially the tortoise, have bones within them, but only little gristles.

748. Bones, after full growth, continue at a stay; and so doth the skull: horns, in some creatures, are cast and renewed: teeth stand at a stay, except their wearing: as for nails, they grow continually: and bills and beaks will overgrow, and sometimes be cast; as in eagles and parrots.

749. Most of the hard substances fly to the extremes of the body: as skull, horns, teeth, nails, and beaks: only the bones are more inward, and clad with flesh. As for the entrails, they are all without bones; save that a bone is, sometimes, found in the heart of a stag; and it may be in some other creature.

750. The skull hath brains, as a kind of marrow, within it. The back-bone hath one kind of marrow, which hath an affinity with the brain; and other bones of the body have another. The jaw-bones have no marrow severed, but a little pulp of marrow diffused. Teeth likewise are thought to have a kind of marrow diffused, which causeth the sense and pain; but it is rather sinew; for marrow hath no sense; no more than blood. Horn is alike throughout; and so is the nail.

751. None other of the hard substances have sense, but the teeth; and the teeth have sense, not only of pain but of cold.

But we will leave the inquiries of other hard substances unto their several places; and now inquire only of the teeth.

752. The teeth are, in men, of three kinds; sharp, as the fore-teeth; broad, as the back-teeth, which we call the molar-teeth, or grinders; and pointed teeth, or canine, which are between both. But there have been some men that have had their teeth undivided, as of one whole bone, with some little mark in the place of the division; as Pyrrhus had. Some creatures have over-long or out-growing teeth, which we call fangs, or tusks: as boars, pikes, salmons, and dogs, though less. Some living creatures have teeth against teeth; as men and horses; and some have teeth, especially their master-teeth, indented one within another like saws, as lions; and so again have dogs. Some fishes have divers rows of teeth in the roofs of their mouths; as pikes, salmons, trouts, &c. And many more in salt waters. Snakes and other serpents have venomous teeth; which are sometimes mistaken for their sting.

753. No beast that hath horns hath upper teeth; and no beast that hath teeth above wanteth them below: but yet if they be of the same kind, it followeth not, that if the hard matter goeth not into upper teeth, it will go into horns; nor yet e converso; for does, that have no horns, have no upper teeth.

754. Horses have, at three years old, a tooth put forth, which they call a colt's tooth; and at four years old there cometh the mark tooth, which hath a hole as big as you may lay a pea within it: and that weareth shorter and shorter every year; till that at eight years old the tooth is smooth, and the hole gone; and then they say, that the mark is out of the horse's mouth.

755. The teeth of men breed first, when the

child is about a year and half old: and then they cast them, and new come about seven years old. But divers have backward teeth come forth at twenty, yea, some at thirty and forty. *Query*, of the manner of the coming of them forth. They tell a tale of the old Countess of Desmond, who lived till she was seven score years old, that she did dentire twice or thrice; casting her old teeth, and others coming in their place.

756. Teeth are much hurt by sweetmeats; and by painting with mercury; and by things over-hot; and things over-cold; and by rheums. And the pain of the teeth is one of the sharpest of pains.

757. Concerning teeth, these things are to be considered. 1. The preserving of them. 2. The keeping of them white. 3. The drawing of them with least pain. 4. The staying and easing of the toothache. 5. The binding in of artificial teeth, where teeth have been strucken out. 6. And last of all, that great one of restoring teeth in age. The instances that give any likelihood of restoring teeth in age, are the late coming of teeth in some; and the renewing of the beaks in birds, which are commaterial with teeth. *Query*, therefore, more particularly how that cometh. And again, the renewing of horns. But yet that hath not been known to have been provoked by art; therefore let trial be made, whether horns may be procured to grow in beasts that are not horned, and how? And whether they may be procured to come larger than usual; as to make an ox or a deer have a greater head of horns? And whether the head of a deer, that by age is more spitted, may be brought again to be more branched? for these trials, and the like, will show, whether by art such hard matter can be called and provoked. It may be tried also, whether birds may not have something done to them when they are young, whereby they may be made to have greater or longer bills; or greater and longer talons? And whether children may not have some wash, or something to make their teeth better and stronger? Coral is in use as a help to the teeth of children.

Experiments in consort touching the generation and bearing of living creatures in the womb.

758. Some living creatures generate but at certain seasons of the year; as deer, sheep, wild conies, &c. and most sorts of birds and fishes: others at any time of the year, as men; and all domestic creatures, as horses, hogs, dogs, cats, &c. The cause of generation at all seasons seemeth to be fulness: for generation is from redundance. This fulness ariseth from two causes; either from the nature of the creature, if it be hot, and moist, and sanguine; or from plenty of food. For the first, men, horses, dogs, &c. which breed at all seasons, are full of heat and moisture; doves are the fullest of heat and moisture amongst birds, and therefore breed often; the tame dove almost continually. But deer are a melancholy dry creature, as appeareth by their fearfulness, and the hardness of their flesh. Sheep are a cold creature, as appeareth by their mildness, and for that they seldom drink. Most sort of birds are of a dry substance in comparison of beasts. Fishes are cold. For the second cause, fulness of food; men, kine, swine, dogs, &c. feed full; and we see that those creatures, which being wild, generate seldom, being tame, generate often; which is from warmth, and fulness of food. We find, that the time of going to rut of deer is in September; for that they need the whole summer's feed and grass to make them fit for generation. And if rain come early about the middle of September, they go to rut somewhat the sooner; if drought, somewhat the later. So sheep, in respect of their small heat, generate about the same time, or somewhat before. But for the most part, creatures that generate at certain seasons, generate in the spring; as birds and fishes; for that the end of the winter, and the heat and comfort of the spring prepareth them. There is also another reason why some creatures generate at certain seasons; and that is the relation of their time of bearing to the time of generation; for no creature goeth to generate whilst the female is full; nor whilst she is busy in sitting, or rearing her young. And therefore it is found by experience, that if you take the eggs or young ones out of the nests of birds, they will fall to generate again three or four times one after another.

759. Of living creatures, some are longer time in the womb, and some shorter. Women go commonly nine months; the cow and the ewe about six months; does go about nine months; mares eleven months; bitches nine weeks; elephants are said to go two years; for the received tradition of ten years is fabulous. For birds there is double inquiry; the distance between the treading or coupling, and the laying of the egg; and again, between the egg laid, and the disclosing or hatching. And amongst birds, there is less diversity of time than amongst other creatures; yet some there is; for the hen sitteth but three weeks, the turkey-hen, goose, and duck, a month: *Query*, of others. The cause of the great difference of times amongst living creatures is, either from the nature of the kind, or from the constitution of the womb. For the former, those that are longer in coming to their maturity or growth are longer in the womb; as is chiefly seen in men: and so elephants, which are long in the womb, are long time in coming to their full growth. But in most other kinds, the constitution of the womb, that is, the hardness or dryness thereof, is concurrent with the former cause. For the colt hath about four years of growth; and so the fawn; and so the calf. But whelps, which come to their growth, commonly, within three quarters of a year, are but nine weeks in the womb. As for birds, as there is less diversity amongst them in the time of their bringing forth; so there is less diversity in the time of their growth: most of them coming to their growth within a twelvemonth.

760. Some creatures bring forth many young ones at a burden: as bitches, hares, conies, &c. Some ordinarily but one; as women, lionesses, &c. This may be caused, either by the quantity of sperm required to the producing one of that kind; which if less be required, may admit greater number; if

more, fewer: or by the partitions and cells of the womb, which may sever the sperm.

Experiments in consort touching species visible.

761. There is no doubt, but light by refraction will show greater, as well as things coloured. For like as a shilling in the bottom of the water will show greater; so will a candle in a lanthorn, in the bottom of the water. I have heard of a practice, that glow-worms in glasses were put in the water to make the fish come. But I am not yet informed, whether when a diver diveth, having his eyes open, and swimmeth upon his back; whether, I say, he seeth things in the air, greater or less. For it is manifest, that when the eye standeth in the finer medium, and the object is in the grosser, things show greater: but contrariwise, when the eye is placed in the grosser medium, and the object in the finer, how it worketh I know not.

762. It would be well bolted out, whether great refractions may not be made upon reflexions, as well as upon direct beams. For example, we see, that take an empty bason, put an angel of gold, or what you will, into it; then go so far from the bason, till you cannot see the angel, because it is not in a right line; then fill the bason with water, and you shall see it out of its place, because of the reflexion. To proceed therefore, put a looking-glass into a bason of water; I suppose you shall not see the image in a right line, or at equal angles, but aside. I know not whether this experiment may not be extended so, as you might see the image, and not the glass; which for beauty and strangeness were a fine proof: for then you should see the image like a spirit in the air. As for example, if there be a cistern or pool of water, you shall place over against it a picture of the devil, or what you will, so as you do not see the water. Then put a looking-glass in the water: now if you can see the devil's picture aside, not seeing the water, it would look like a devil indeed. They have an old tale in Oxford, that Friar Bacon walked between two steeples; which was thought to be done by glasses, when he walked upon the ground.

Experiments in consort touching impulsion and percussion.

763. A weighty body put into motion is more easily impelled than at first when it resteth. The cause is, partly because motion doth discuss the torpor of solid bodies; which beside their motion of gravity, have in them a natural appetite not to move at all; and partly, because a body that resteth, doth get, by the resistance of the body upon which it resteth, a stronger compression of parts than it hath of itself: and therefore needeth more force to be put in motion. For if a weighty body be pensile, and hang but by a thread, the percussion will make an impulsion very near as easily as if it were already in motion.

764. A body over-great or over-small, will not be thrown so far as a body of a middle size: so that, it seemeth, there must be a commensuration, or proportion between the body moved and the force, to make it move well. The cause is, because to the impulsion there is requisite the force of the bod that moveth, and the resistance of the body that moved: and if the body be too great, it yieldeth to little; and if it be too small, it resisteth too little.

765. It is common experience, that no weigh will press or cut so strong, being laid upon a body as falling or strucken from above. It may be th air hath some part in farthering the percussion but the chief cause I take to be, for that the part of the body moved have by impulsion, or by th motion of gravity continued, a compression in them as well downwards, as they have when they ar thrown, or shot through the air, forwards. I con ceive also, that the quick loss of that motion pr venteth the resistance of the body below; and pr ority of the force always is of great efficacy, appeareth in infinite instances.

Experiment solitary touching titillation.

766. Tickling is most in the soles of the fee and under the arm-holes, and on the sides. Th cause is the thinness of the skin in those part joined with the rareness of being touched there for all tickling is a light motion of the spirits, whic the thinness of the skin, and suddenness and rarene of touch do farther: for we see a feather, or a rus drawn along the lip or cheek, doth tickle; where a thing more obtuse, or a touch more hard, do not. And for suddenness, we see no man can tick himself: we see also that the palm of the han though it hath as thin a skin as the other par mentioned, yet is not ticklish, because it is accu tomed to be touched. Tickling also causeth laug ter. The cause may be the emission of the spirit and so of the breath, by a flight from titillatio for upon tickling we see there is ever a starting shrinking away of the part to avoid it; and we s also, that if you tickle the nostrils with a feathe or straw, it procureth sneezing; which is a sudd emission of the spirits, that do likewise expel th moisture. And tickling is ever painful, and not we endured.

Experiment solitary touching the scarcity of rain Ægypt.

767. It is strange, that the river of Nilus ove flowing, as it doth, the country of Ægypt, the should be, nevertheless, little or no rain in th country. The cause must be either in the natu of the water, or in the nature of the air, or of bod In the water, it may be ascribed either unto th long race of the water; for swift-running wate vapour not so much as standing waters; or else the concoction of the water; for waters well co cocted vapour not so much as waters raw; no mu than waters upon the fire do vapour so much aft some time of boiling as at the first. And it is tru that the water of Nilus is sweeter than other wate in taste; and it is excellent good for the stone, a hypochondriacal melancholy, which showeth a lenifying; and it runneth through a country of hot climate, and flat, without shade, either of woo or hills, whereby the sun must needs have gre power to concoct it. As for the air, from where

I conceive this want of showers cometh chiefly, the cause must be, for that the air is of itself thin and thirsty; and as soon as ever it getteth any moisture from the water, it imbibeth and dissipateth it in the whole body of the air, and suffereth it not to remain in vapour, whereby it might breed rain.

Experiment solitary touching clarification.

768. It hath been touched in the title of percolations, namely, such as are inwards, that the whites of eggs and milk do clarify; and it is certain, that in Ægypt they prepare and clarify the water of Nile, by putting it into great jars of stone, and stirring it about with a few stamped almonds, wherewith they also besmear the mouth of the vessel; and so draw it off, after it hath rested some time. It were good to try this clarifying with almonds in new beer, or muste, to hasten and perfect the clarifying.

Experiment solitary touching plants without leaves.

769. There be scarce to be found any vegetables, that have branches and no leaves, except you allow coral for one. But there is also in the deserts of S. Macaria in Ægypt, a plant which is long, leafless, brown of colour, and branched like coral, save that it closeth at the top. This being set in water within a house, spreadeth and displayeth strangely; and the people thereabout have a superstitious belief, that in the labour of women it helpeth to the easy deliverance.

Experiment solitary touching the materials of glass.

770. The crystalline Venice glass is reported to be a mixture in equal portions of stones brought from Pavia by the river Ticinum, and the ashes of a weed called by the Arabs kal, which is gathered in a desert between Alexandria and Rosetta; and is by the Ægyptians used first for fuel; and then they crush the ashes into lumps like a stone, and so sell them to the Venetians for their glass-works.

Experiment solitary touching prohibition of putrefaction, and the long conservation of bodies.

771. It is strange, and well to be noted, how long carcasses have continued uncorrupt, and in their former dimensions, as appeareth in the mummies of Ægypt; having lasted, as is conceived, some of them, three thousand years. It is true, they find means to draw forth the brains, and to take forth the entrails, which are the parts aptest to corrupt. But that is nothing to the wonder: for we see what a soft and corruptible substance the flesh of all the other parts of the body is. But it should seem, that, according to our observation and axiom in our hundredth experiment, putrefaction, which we conceive to be so natural a period of bodies, is but an accident; and that matter maketh not that haste to corruption that is conceived. And therefore bodies in shining amber, in quicksilver, in balms, whereof we now speak, in wax, in honey, in gums, and, it may be, in conservatories of snow, &c. are preserved very long. It need not go for repetition, if we resume again that which we said in the aforesaid experiment concerning annihilation; namely, that if you provide against three causes of putrefaction, bodies will not corrupt: the first is, that the air be excluded, for that undermineth the body, and conspireth with the spirit of the body to dissolve it. The second is, that the body adjacent and ambient be not commaterial, but merely heterogeneal towards the body that is to be preserved; for if nothing can be received by the one, nothing can issue from the other; such are quicksilver and white amber, to herbs, and flies, and such bodies. The third is, that the body to be preserved be not of that gross that it may corrupt within itself, although no part of it issue into the body adjacent: and therefore it must be rather thin and small, than of bulk. There is a fourth remedy also, which is, that if the body to be preserved be of bulk, as a corpse is, then the body that encloseth it must have a virtue to draw forth, and dry the moisture of the inward body; for else the putrefaction will play within, though nothing issue forth. I remember Livy doth relate, that there were found at a time two coffins of lead in a tomb; whereof the one contained the body of king Numa, it being some four hundred years after his death: and the other, his books of sacred rites and ceremonies, and the discipline of the pontiffs; and that in the coffin that had the body, there was nothing at all to be seen, but a little light cinders about the sides; but in the coffin that had the books, they were found as fresh as if they had been but newly written, being written on parchment, and covered over with watch-candles of wax three or four fold. By this it seemeth that the Romans in Numa's time were not so good embalmers as the Ægyptians were; which was the cause that the body was utterly consumed. But I find in Plutarch, and others, that when Augustus Cæsar visited the sepulchre of Alexander the Great in Alexandria, he found the body to keep its dimension; but withal, that notwithstanding all the embalming, which no doubt was of the best, the body was so tender, as Cæsar, touching but the nose of it, defaced it. Which maketh me find it very strange, that the Ægyptian mummies should be reported to be as hard as stone-pitch; for I find no difference but one, which indeed may be very material; namely, that the ancient Ægyptian mummies were shrowded in a number of folds of linen, besmeared with gums, in manner of sear-cloth, which it doth not appear was practised upon the body of Alexander.

Experiment solitary touching the abundance of nitre in certain sea-shores.

772. Near the castle of Caty, and by the wells of Assan, in the land of Idumea, a great part of the way you would think the sea were near at hand, though it be a good distance off: and it is nothing but the shining of the nitre upon the sea sands, such abundance of nitre the shores there do put forth.

Experiment solitary touching bodies that are borne up by water.

773. The Dead sea, which vomiteth up bitumen, is of that crassitude, as living bodies bound hand

and foot cast into it have been borne up, and not sunk; which showeth, that all sinking into water is but an over-weight of the body put into the water in respect of the water; so that you may make water so strong and heavy, of quicksilver, perhaps, or the like, as may bear up iron; of which I see no use, but imposture. We see also, that all metals, except gold, for the same reason, swim upon quicksilver.

Experiment solitary touching fuel that consumeth little or nothing.

774. It is reported, that at the foot of the hill near the Mare mortuum there is a black stone, whereof pilgrims make fires, which burneth like a coal, and diminisheth not, but only waxeth brighter and whiter. That it should do so is not strange: for we see iron red-hot burneth, and consumeth not; but the strangeness is, that it should continue any time so: for iron, as soon as it is out of the fire, deadeth straightways. Certainly it were a thing of great use and profit, if you could find out fuel that would burn hot, and yet last long: neither am I altogether incredulous, but there may be such candles as they say are made of salamander's wool; being a kind of mineral, which whiteneth also in the burning, and consumeth not. The question is this; flame must be made of somewhat, and commonly it is made of some tangible body which hath weight: but it is not impossible perhaps that it should be made of spirit, or vapour, in a body, which spirit or vapour hath no weight, such as is the matter of ignis fatuus. But then you will say, that that vapour also can last but a short time: to that it may be answered, that by the help of oil, and wax, and other candle-stuff, the flame may continue, and the wick not burn.

Experiment solitary œconomical touching cheap fuel.

775. Sea-coal lasts longer than charcoal; and charcoal of roots, being coaled into great pieces, lasts longer than ordinary charcoal. Turf and peat, and cow-sheards, are cheap fuels, and last long. Small coal, or brier-coal, poured upon charcoal, make them last longer. Sedge is a cheap fuel to brew or bake with: the rather because it is good for nothing else. Trial would be made of some mixture of sea-coal with earth or chalk; for if that mixture be, as the sea-coal men use it, privily, to make the bulk of the coal greater, it is deceit; but if it be used purposely, and be made known, it is saving.

Experiment solitary touching the gathering of wind for freshness.

776. It is at this day in use in Gaza, to couch potsherds or vessels of earth in their walls, to gather the wind from the top, and to pass it down in spouts into rooms. It is a device for freshness in great heats: and it is said, there are some rooms in Italy and Spain for freshness, and gathering the winds and air in the heats of summer; but they be but pennings of the winds, and enlarging them again, and making them reverberate, and go round in circles, rather than this device of spouts in the wall.

Experiment solitary touching the trials of airs.

777. There would be used much diligence in the choice of some bodies and places, as it were, for the tasting of air; to discover the wholesomeness or unwholesomeness, as well of seasons, as of the seats of dwellings. It is certain, that there be some houses wherein confitures and pies will gather mould more than in others. And I am persuaded, that a piece of raw flesh or fish will sooner corrupt in some airs than in others. They be noble experiments that can make this discovery; for they serve for a natural divination of seasons, better than the astronomers can by their figures: and again, they teach men where to choose their dwelling for their better health.

Experiment solitary touching increasing of milk in milch beasts.

778. There is a kind of stone about Bethlehem, which they grind to powder, and put into water, whereof cattle drink, which maketh them give more milk. Surely there should be some better trials made of mixtures of water in ponds for cattle, to make them more milch, or to fatten them, or to keep them from murrain. It may be chalk and nitre are of the best.

Experiment solitary touching sand of the nature of glass.

779. It is reported, that in the valley near the mountain Carmel in Judea there is a sand, which of all other hath most affinity with glass: insomuch as other minerals laid in it turn to a glassy substance without the fire; and again, glass put into it turneth into the mother sand. The thing is very strange, if it be true: and it is likeliest to be caused by some natural furnace or heat in the earth: and yet they do not speak of any eruption of flames. It were good to try in glass-works, whether the crude materials of glass, mingled with glass already made, and re-molten, do not facilitate the making of glass with less heat.

Experiment solitary touching the growth of coral.

780. In the sea, upon the south-west of Sicily, much coral is found. It is a submarine plant. It hath no leaves: it brancheth only when it is under water; it is soft, and green of colour; but being brought into the air, it becometh hard and shining red, as we see. It is said also to have a white berry; but we find it not brought over with the coral. Belike it is cast away as nothing worth: inquire better of it, for the discovery of the nature of the plant.

Experiment solitary touching the gathering of manna.

781. The manna of Calabria is the best, and in most plenty. They gather it from the leaf of the mulberry-tree; but not of such mulberry-trees as grow in the valleys. And manna falleth upon the leaves by night, as other dews do. It should seem, that before those dews come upon trees in the val-

lers, they dissipate and cannot hold out. It should seem also, the mulberry leaf itself hath some coagulating virtue, which inspissateth the dew, for that it is not found upon other trees: and we see by the silk-worm, which feedeth upon that leaf, what a dainty smooth juice it hath; and the leaves also, especially of the black mulberry, are somewhat bristly, which may help to preserve the dew. Certainly it were not amiss to observe a little better the dews that fall upon trees, or herbs, growing on mountains; for it may be many dews fall, that spend before they come to the valleys. And I suppose, that he that would gather the best May-dew for medicine, should gather it from the hills.

Experiment solitary touching the correcting of wine.

782. It was said they have a manner to prepare their Greek wines, to keep them from fuming and inebriating, by adding some sulphur or alum: whereof the one is unctuous, and the other is astringent. And certain it is, that those two natures do best repress fumes. This experiment would be transferred unto other wine and strong beer, by putting in some like substances while they work; which may make them both to fume less, and to inflame less.

Experiment solitary touching the materials of wild-fire.

783. It is conceived by some, not improbably, that the reason why wild-fires, whereof the principal ingredient is bitumen, do not quench with water, is, for that the first concretion of bitumen is a mixture of a fiery and watery substance; so is not sulphur. This appeareth, for that in the place near Puteoli, which they call the court of Vulcan, you shall hear under the earth a horrible thundering of fire and water conflicting together; and there break forth also spouts of boiling water. Now that place yielded great quantities of bitumen; whereas Ætna, and Vesuvius, and the like, which consist upon sulphur, shoot forth smoke, and ashes, and pumice, but no water. It is reported also, that bitumen mingled with lime, and put under water, will make as it were an artificial rock; the substance becometh so hard.

Experiment solitary touching plaster growing as hard as marble.

784. There is a cement, compounded of flour, whites of eggs, and stone powder, that becometh hard as marble: wherewith Piscina Mirabilis, near Baiæ, is said to have the walls plastered. And it is certain and tried, that the powder of loadstone and flint, by the addition of whites of eggs, and gum-tragon, made into paste, will in a few days harden to the hardness of a stone.

Experiment solitary touching judgment of the cure in some ulcers and hurts.

785. It hath been noted by the ancients, that in foul or impure bodies, ulcers or hurts in the legs are hard to cure, and in the head more easy. The cause is, for that ulcers or hurts in the legs require desiccation, which by the defluxion of humours to the lower parts is hindered; whereas hurts and ulcers in the head require it not; but contrariwise dryness maketh them more apt to consolidate. And in modern observation, the like difference hath been found between Frenchmen and Englishmen; whereof the one's constitution is more dry, and the other's more moist. And therefore a hurt of the head is harder to cure in a Frenchman, and of the leg in an Englishman.

Experiment solitary touching the healthfulness or unhealthfulness of the southern wind.

786. It hath been noted by the ancients, that southern winds, blowing much, without rain, do cause a feverous disposition of the year; but with rain, not. The cause is, for that southern winds do of themselves qualify the air, to be apt to cause fevers; but when showers are joined, they do refrigerate in part, and check the sultry heat of the southern wind. Therefore this holdeth not in the sea-coasts, because the vapour of the sea, without showers, doth refresh.

Experiment solitary touching wounds.

787. It hath been noted by the ancients, that wounds which are made with brass heal more easily than wounds made with iron. The cause is, for that brass hath in itself a sanative virtue; and so in the very instant helpeth somewhat; but iron is corrosive, and not sanative. And therefore it were good, that the instruments which are used by chirurgeons about wounds, were rather of brass than iron.

Experiment solitary touching mortification by cold.

788. In the cold countries, when men's noses and ears are mortified, and, as it were, gangrened with cold, if they come to a fire they rot off presently. The cause is, for that the few spirits that remain in those parts, are suddenly drawn forth, and so putrefaction is made complete. But snow put upon them helpeth; for that it preserveth those spirits that remain, till they can revive; and besides, snow hath in it a secret warmth: as the monk proved out of the text; "qui dat nivem sicut lanam, gelu sicut cineres spargit." Whereby he did infer, that snow did warm like wool, and frost did fret like ashes. Warm water also doth good; because by little and little it openeth the pores, without any sudden working upon the spirits. This experiment may be transferred to the cure of gangrenes, either coming of themselves, or induced by too much applying of opiates; wherein you must beware of dry heat, and resort to things that are refrigerant, with an inward warmth, and virtue of cherishing.

Experiment solitary touching weight.

789. Weigh iron and aqua fortis severally; then dissolve the iron in the aqua fortis, and weigh the dissolution; and you shall find it to bear as good weight as the bodies did severally: notwithstanding a good deal of waste by a thick vapour that issueth during the working: which showeth that the opening of a body doth increase the weight. This was tried once or twice, but I know not whether there were any error in the trial.

Experiment solitary touching the super-natation of bodies.

790. Take of aqua fortis two ounces, of quicksilver two drams, for that charge the aqua fortis will bear; the dissolution will not bear a flint as big as a nutmeg: yet, no doubt, the increasing of the weight of water will increase its power of bearing; as we see brine, when it is salt enough, will bear an egg. And I remember well a physician, that used to give some mineral baths for the gout, &c. and the body when it was put into the bath, could not get down so easily as in ordinary water. But it seemeth, the weight of the quicksilver more than the weight of a stone, doth not compense the weight of a stone more than the weight of the aqua fortis.

Experiment solitary touching the flying of unequal bodies in the air.

791. Let there be a body of unequal weight, as of wood and lead, or bone and lead; if you throw it from you with the light end forward, it will turn, and the weightier end will recover to be forwards; unless the body be over-long. The cause is, for that the more dense body hath a more violent pressure of the parts from the first impulsion; which is the cause, though heretofore not found out, as hath been often said, of all violent motions; and when the hinder part moveth swifter, for that it less endureth pressure of parts, than the forward part can make way for it, it must needs be that the body turn over: for, turned, it can more easily draw forward the lighter part. Galilæus noteth it well, that if an open trough, wherein water is, be driven faster than the water can follow, the water gathereth upon a heap towards the hinder end, where the motion began, which he supposeth, holding confidently the motion of the earth, to be the cause of the ebbing and flowing of the ocean; because the earth over-runneth the water. Which theory, though it be false, yet the first experiment is true. As for the inequality of the pressure of parts, it appeareth manifestly in this; that if you take a body of stone or iron, and another of wood, of the same magnitude and shape, and throw them with equal force, you cannot possibly throw the wood so far as the stone or iron.

Experiment solitary touching water, that it may be the medium of sounds.

792. It is certain, as it hath been formerly in part touched, that water may be the medium of sounds. If you dash a stone against a stone in the bottom of the water, it maketh a sound. So a long pole struck upon gravel in the bottom of the water maketh a sound. Nay, if you should think that the sound cometh up by the pole, and not by the water, you shall find that an anchor let down by a rope maketh a sound: and yet the rope is no solid body whereby the sound can ascend.

Experiment solitary of the flight of the spirits upon odious objects.

793. All objects of the senses which are very offensive, do cause the spirits to retire: and upon their flight, the parts are, in some degree, destitute; and so there is induced in them a trepidation and horror. For sounds, we see that the grating of a saw, or any very harsh noise, will set the teeth on edge, and make all the body shiver. For tastes, we see that in the taking of a potion or pills, the head and the neck shake. For odious smells, the like effect followeth, which is less perceived, because there is a remedy at hand by stopping of the nose; but in horses, that can use no such help, we see the smell of a carrion, especially of a dead horse, maketh them fly away, and take on almost as if they were mad. For feeling, if you come out of the sun suddenly into a shade, there followeth a chillness or shivering in all the body. And even in sight, which hath in effect no odious object, coming into sudden darkness, induceth an offer to shiver.

Experiment solitary touching the super-reflection of echos.

794. There is in the city of Ticinum in Italy, a church that hath windows only from above; it is in length a hundred feet, in breadth twenty feet, and in height near fifty; having a door in the midst. It reporteth the voice twelve or thirteen times, if you stand by the close end-wall over-against the door. The echo fadeth, and dieth by little and little, as the echo at Pont-Charenton doth. And the voice soundeth as if it came from above the door. And if you stand at the lower end, or on either side of the door, the echo holdeth; but if you stand in the door, or in the midst, just over-against the door, not. Note, that all echos sound better against old walls than new; because they are more dry and hollow.

Experiment solitary touching the force of imagination, imitating that of the sense.

795. Those effects which are wrought by the percussion of the sense, and by things in fact, are produced likewise in some degree by the imagination. Therefore if a man see another eat sour or acid things, which set the teeth on edge, this object tainteth the imagination. So that he that seeth the thing done by another, hath his own teeth also set on edge. So if a man see another turn swiftly and long, or if he look upon wheels that turn, himself waxeth turn-sick. So if a man be upon a high place without rails or good hold, except he be used to it, he is ready to fall: for imagining a fall, it putteth his spirits into the very action of a fall. So many upon the seeing of others bleed, or strangled, or tortured, themselves are ready to faint, as if they bled, or were in strife.

Experiment solitary touching preservation of bodies.

796. Take a stock-gilly-flower, and tie it gently upon a stick, and put them both into a stoop-glass full of quicksilver, so that the flower be covered: then lay a little weight upon the top of the glass that may keep the stick down; and look upon them after four or five days; and you shall find the flower fresh, and the stalk harder and less flexible than it was. If you compare it with another flower

gathered at the same time, it will be the more manifest. This showeth, that bodies do preserve excellently in quicksilver; and not preserve only, but by the coldness of the quicksilver indurate; for the freshness of the flower may be merely conservation; which is the more to be observed, because the quicksilver presseth the flower; but the stiffness of the stalk cannot be without induration, from the cold, as it seemeth, of the quicksilver.

Experiment solitary touching the growth or multiplying of metals.

797. It is reported by some of the ancients, that in Cyprus there is a kind of iron, that being cut into little pieces, and put into the ground, if it be well watered, will increase into greater pieces. This is certain, and known of old, that lead will multiply and increase, as hath been seen in old statues of stone which have been put in cellars; the feet of them being bound with leaden bands; where, after a time, there appeared, that the lead did swell; insomuch as it hanged upon the stone like warts.

Experiment solitary touching the drowning of the more base metal in the more precious.

798. I call drowning of metals, when that the baser metal is so incorporate with the more rich, as it can by no means be separated again; which is a kind of version, though false: as if silver should be inseparably incorporated with gold; or copper and lead with silver. The ancient electrum had in it a fifth of silver to the gold, and made a compound metal, as fit for most uses as gold, and more resplendent and more qualified in some other properties; but then that was easily separated. This to do privily, or to make the compound pass for the rich metal simple, is an adulteration or counterfeiting: but if it be done avowedly, and without disguising, it may be a great saving of the richer metal. I remember to have heard of a man skilful in metals, that a fifteenth part of silver incorporated with gold will not be recovered by any water of separation, except you put a greater quantity of silver to draw to it the less: which, he said, is the last refuge in separations. But that is a tedious way, which no man, almost, will think on. This would be better inquired: and the quantity of the fifteenth turned to a twentieth; and likewise with some little additional, that may farther the intrinsic incorporation. Note, that silver in gold will be detected by weight, compared with the dimension; but lead in silver, lead being the weightier metal, will not be detected, if you take so much the more silver as will countervail the over-weight of the lead.

Experiment solitary touching fixation of bodies.

799. Gold is the only substance which hath nothing in it volatile, and yet melteth without much difficulty. The melting showeth that it is not jejune, nor scarce in spirit. So that the fixing of it is not want of spirit to fly out, but the equal spreading of the tangible parts, and the close coacervation of them: whereby they have the less appetite, and no means at all to issue forth. It were good therefore to try, whether glass re-molten do lose any weight; for the parts in glass are evenly spread; but they are not so close as in gold; as we see by the easy admission of light, heat, and cold; and by the smallness of the weight. There be other bodies fixed, which have little or no spirit; so as there is nothing to fly out; as we see in the stuff whereof coppels are made, which they put into furnaces, upon which fire worketh not: so that there are three causes of fixation; the even spreading both of the spirits and tangible parts, the closeness of the tangible parts, and the jejuneness or extreme comminution of spirits: of which three, the two first may be joined with a nature liquefiable, the last not.

Experiment solitary touching the restless nature of things in themselves, and their desire to change.

800. It is a profound contemplation in nature, to consider of the emptiness, as we may call it, or insatisfaction of several bodies, and of their appetite to take in others. Air taketh in lights, and sounds, and smells, and vapours; and it is most manifest, that it doth it with a kind of thirst, as not satisfied with its own former consistence; for else it would never receive them in so suddenly and easily. Water, and all liquors, do hastily receive dry and more terrestrial bodies, proportionable: and dry bodies, on the other side, drink in waters and liquors: so that, as it was well said by one of the ancients, of earthy and watery substances, one is a glue to another. Parchment, skins, cloth, &c. drink in liquors, though themselves be entire bodies, and not comminuted, as sand and ashes, nor apparently porous: metals themselves do receive in readily strong waters; and strong waters likewise do readily pierce into metals and stones: and that strong water will touch upon gold, that will not touch upon silver, and e converso. And gold, which seemeth by the weight to be the closest and most solid body, doth greedily drink in quicksilver. And it seemeth, that this reception of other bodies is not violent: for it is many times reciprocal, and as it were with consent. Of the cause of this, and to what axiom it may be referred, consider attentively; for as for the pretty assertion, that matter is like a common strumpet, that desireth all forms, it is but a wandering notion. Only flame doth not content itself to take in any other body, but either to overcome and turn another body into itself, as by victory; or itself to die, and go out.

CENTURY IX.

Experiments in consort touching perception in bodies insensible, tending to natural divination or subtile trials.

IT is certain, that all bodies whatsoever, though they have no sense, yet they have perception: for when one body is applied to another, there is a kind of election to embrace that which is agreeable, and to exclude or expel that which is ingrate: and whether the body be alterant, or altered, evermore a perception precedeth operation; for else all bodies would be alike one to another. And sometimes this perception in some kind of bodies, is far more subtile, than the sense; so that the sense is but a dull thing in comparison of it: we see a weather-glass will find the least difference of the weather, in heat, or cold, when men find it not. And this perception also is sometimes at distance, as well as upon the touch; as when the loadstone draweth iron, or flame fireth naphtha of Babylon, a great distance off. It is therefore a subject of a very noble inquiry, to inquire of the more subtile perceptions; for it is another key to open nature, as well as the sense, and sometimes better. And besides, it is a principal means of natural divination; for that which in these perceptions appeareth early, in the great effects cometh long after. It is true also, that it serveth to discover that which is hid, as well as to foretell that which is to come, as it is in many subtile trials; as to try whether seeds be old or new, the sense cannot inform; but if you boil them in water, the new seeds will sprout sooner: and so of water, the taste will not discover the best water; but the speedy consuming of it, and many other means which we have heretofore set down, will discover it. So in all physiognomy, the lineaments of the body will discover those natural inclinations of the mind which dissimulation will conceal, or discipline will suppress. We shall therefore now handle only those two perceptions, which pertain to natural divination and discovery; leaving the handling of perception in other things to be disposed elsewhere. Now it is true that divination is attained by other means; as if you know the causes, if you know the concomitants, you may judge of the effect to follow; and the like may be said of discovery; but we tie ourselves here to that divination and discovery chiefly, which is caused by an early or subtile perception.

The aptness or propension of air, or water, to corrupt or putrify, no doubt, is to be found before it break forth into manifest effects of diseases, blastings, or the like. We will therefore set down some prognostics of pestilential and unwholesome years.

801. The wind blowing much from the south without rain, and worms in the oak-apple, have been spoken of before. Also the plenty of frogs, grasshoppers, flies, and the like creatures bred of putrefaction, doth portend pestilential years.

802. Great and early heats in the spring, and namely in May, without winds, portend the same; and generally so do years with little wind or thunder.

803. Great droughts in summer lasting till towards the end of August, and some gentle showers upon them, and then some dry weather again, do portend a pestilent summer the year following: for about the end of August all the sweetness of the earth, which goeth into plants and trees, is exhaled, and much more if the August be dry, so that nothing then can breathe forth of the earth but a gross vapour, which is apt to corrupt the air: and that vapour, by the first showers, if they be gentle, is released, and cometh forth abundantly. Therefore they that come abroad soon after those showers, are commonly taken with sickness: and in Africa, nobody will stir out of doors after the first showers. But if the showers come vehemently, then they rather wash and fill the earth, than give it leave to breathe forth presently. But if dry weather come again, then it fixeth and continueth the corruption of the air, upon the first showers begun; and maketh it of ill influence, even to the next summer; except a very frosty winter discharge it, which seldom succeedeth such droughts.

804. The lesser infections, of the small-pox, purple fevers, agues, in the summer precedent, and hovering all winter, do portend a great pestilence in the summer following: for putrefaction doth not rise to its height at once.

805. It were good to lay a piece of raw flesh or fish in the open air; and if it putrify quickly, it is a sign of a disposition in the air to putrefaction. And because you cannot be informed whether the putrefaction be quick or late, except you compare this experiment with the like experiment in another year, it were not amiss in the same year, and at the same time, to lay one piece of flesh or fish in the open air, and another of the same kind and bigness within doors: for I judge, that if a general disposition be in the air to putrify, the flesh, or fish, will sooner putrify abroad where the air hath more power, than in the house, where it hath less, being many ways corrected. And this experiment would be made about the end of March: for that season is likeliest to discover what the winter hath done, and what the summer following will do, upon the air. And because the air, no doubt, receiveth great tincture and infusion from the earth; it were good to try that exposing of flesh or fish, both upon a stake of wood some height above the earth, and upon the flat of the earth.

806. Take May-dew, and see whether it putrify quickly or no; for that likewise may disclose the quality of the air, and vapour of the earth, more or less corrupted.

807. A dry March, and a dry May, portend a wholesome summer, if there be a showering April

between: but otherwise it is a sign of a pestilential year.

808. As the discovery of the disposition of the air is good for the prognostics of wholesome and unwholesome years; so it is of much more use, for the choice of places to dwell in: at the least, for lodges, and retiring places for health: for mansion-houses respect provisions as well as health, wherein the experiments above mentioned may serve.

809. But for the choice of places, or seats, it is good to make trial, not only of aptness of air to corrupt, but also of the moisture and dryness of the air, and the temper of it in heat or cold; for that may concern health diversely. We see that there be some houses, wherein sweet-meats will relent, and baked meats will mould, more than in others; and wainscots will also sweat more; so that they will almost run with water; all which, no doubt, are caused chiefly by the moistness of the air in those seats. But because it is better to know it before a man buildeth his house, than to find it after, take the experiments following.

810. Lay wool, or a sponge, or bread, in the place you would try, comparing it with some other places; and see whether it doth not moisten, and make the wool, or sponge, &c. more ponderous than the other: and if it do, you may judge of that place, as situate in a gross and moist air.

811. Because it is certain, that in some places, either by the nature of the earth, or by the situation of woods and hills, the air is more unequal than in others; and inequality of air is ever an enemy to health; it were good to take two weather-glasses, matches in all things, and to set them, for the same hours of one day, in several places, where no shade is, nor enclosures; and to mark when you set them, how far the water cometh; and to compare them, when you come again, how the water standeth then; and if you find them unequal, you may be sure that the place where the water is lowest is in the warmer air, and the other in the colder. And the greater the inequality be, of the ascent or descent of the water, the greater is the inequality of the temper of the air.

812. The predictions likewise of cold and long winters, and hot and dry summers, are good to be known; as well for the discovery of the causes, as for divers provisions. That of plenty of haws, and hips, and brier-berries, hath been spoken of before. If wainscot, or stone, that have used to sweat, be more dry in the beginning of winter, or the drops of the eaves of houses come more slowly down than they use, it portendeth a hard and frosty winter. The cause is, for that it showeth an inclination of the air to dry weather; which in winter is ever joined with frost.

813. Generally a moist and cool summer portendeth a hard winter. The cause is, for that the vapours of the earth are not dissipated in the summer by the sun; and so they rebound upon the winter.

814. A hot and dry summer, and autumn, and especially if the heat and drought extend far into September, portendeth an open beginning of winter; and colds to succeed toward the latter part of the winter, and the beginning of the spring: for till then the former heat and drought bear the sway, and the vapours are not sufficiently multiplied.

815. An open and warm winter portendeth a hot and dry summer; for the vapours disperse into the winter showers; whereas cold and frost keepeth them in, and transporteth them into the late spring and summer following.

816. Birds that use to change countries at certain seasons, if they come earlier, do show the temperature of weather, according to that country whence they came: as the winter birds, namely, woodcocks, feldfares, &c. if they come earlier, and out of the northern countries, with us show cold winters. And if it be in the same country, then they show a temperature of season, like unto that season in which they come: as swallows, bats, cuckoos, &c. that come towards summer, if they come early, show a hot summer to follow.

817. The prognostics, more immediate, of weather to follow soon after, are more certain than those of seasons. The resounding of the sea upon the shore, and the murmur of winds in the woods, without apparent wind, show wind to follow; for such winds breathing chiefly out of the earth, are not at the first perceived, except they be pent by water or wood. And therefore a murmur out of caves likewise portendeth as much.

818. The upper regions of the air perceive the collection of the matter of tempests and winds, before the air here below: and therefore the obscuring of the smaller stars, is a sign of tempests following. And of this kind you shall find a number of instances in our inquisition "De Ventis."

819. Great mountains have a perception of the disposition of the air to tempests, sooner than the valleys or plains below: and therefore they say in Wales, when certain hills have their night-caps on, they mean mischief. The cause is, for that tempests, which are for the most part bred above in the middle region, as they call it, are soonest perceived to collect in the places next it.

820. The air, and fire, have subtile perceptions of wind rising, before men find it. We see the trembling of a candle will discover a wind that otherwise we do not feel; and the flexuous burning of flames doth show the air beginneth to be unquiet; and so do coals of fire by casting off the ashes more than they use. The cause is, for that no wind at the first, till it hath struck and driven the air, is apparent to the sense; but flame is easier to move than air: and for the ashes, it is no marvel, though wind unperceived shake them off; for we usually try which way the wind bloweth, by casting up grass, or chaff, or such light things into the air.

821. When wind expireth from under the sea, as it causeth some resounding of the water, whereof we spake before, so it causeth some light motions of bubbles, and white circles of froth. The cause is, for that the wind cannot be perceived by the sense, until there be an eruption of a great quantity from under the water; and so it getteth into a body: whereas in the first putting up it cometh in little portions.

822. We spake of the ashes that coals cast off; and of grass and chaff carried by the wind; so any light thing that moveth, when we find no wind, showeth a wind at hand; as when feathers, or down of thistles, fly to and fro in the air.

For prognostics of weather from living creatures, it is to be noted, that creatures that live in the open air, sub dio, must needs have a quicker impression from the air, than men that live most within doors; and especially birds, who live in the air freest and clearest; and are aptest by their voice to tell tales what they find; and likewise by the motion of their flight to express the same.

823. Water-fowls, as sea-gulls, moor-hens, &c. when they flock and fly together from the sea towards the shores; and contrariwise, land-birds, as crows, swallows, &c. when they fly from the land to the waters, and beat the waters with their wings, do foreshow rain and wind. The cause is, pleasure that both kinds take in the moistness and density of the air; and so desire to be in motion, and upon the wing, whithersoever they would otherwise go: for it is no marvel, that water-fowl do joy most in that air which is likest water; and land-birds also, many of them, delight in bathing, and moist air. For the same reason also, many birds do prune their feathers; and geese do gaggle; and crows seem to call upon rain: all which is but the comfort they seem to receive in the relenting of the air.

824. The heron, when she soareth high, so as sometimes she is seen to pass over a cloud, showeth winds: but kites flying aloft show fair and dry weather. The cause may be, for that they both mount most into the air of that temper wherein they delight: and the heron being a water-fowl, taketh pleasure in the air that is condensed; and besides, being but heavy of wing, needeth the help of the grosser air. But the kite affecteth not so much the grossness of the air, as the cold and freshness thereof; for being a bird of prey, and therefore hot, she delighteth in the fresh air; and, many times, flyeth against the wind; as trouts and salmons swim against the stream. And yet it is true also, that all birds find an ease in the depth of the air; as swimmers do in a deep water. And therefore when they are aloft, they can uphold themselves with their wings spread, scarce moving them.

825. Fishes, when they play towards the top of the water, do commonly foretell rain. The cause is, for that a fish hating the dry, will not approach the air till it groweth moist; and when it is dry, will fly it, and swim lower.

826. Beasts do take comfort generally in a moist air: and it maketh them eat their meat better; and therefore sheep will get up betimes in the morning to feed against rain: and cattle, and deer, and conies, will feed hard before rain; and a heifer will put up her nose, and snuff in the air against rain.

827. The trefoil against rain swelleth in the stalk; and so standeth more upright; for by wet, stalks do erect, and leaves bow down. There is a small red flower in the stubble-fields, which country people call the wincopipe; which if it open in the morning, you may be sure of a fair day to follow.

828. Even in men, aches, and hurts, and corns, do engrieve either towards rain, or towards frost: for the one maketh the humours more to abound; and the other maketh them sharper. So we see both extremes bring the gout.

829. Worms, vermin, &c. do foreshow likewise rain: for earth-worms will come forth, and moles will cast up more, and fleas bite more, against rain.

830. Solid bodies likewise foreshow rain. As stones and wainscot, when they sweat: and boxes and pegs of wood, when they draw and wind hard; though the former be but from an outward cause; for that the stone, or wainscot, turneth and beateth back the air against itself; but the latter is an inward swelling of the body of the wood itself.

Experiment solitary touching the nature of appetite in the stomach.

831. Appetite is moved chiefly by things that are cold and dry; the cause is, for that cold is a kind of indigence of nature, and calleth upon supply; and so is dryness: and therefore all sour things, as vinegar, juice of lemons, oil of vitriol, &c. provoke appetite. And the disease which they call appetitus caninus, consisteth in the matter of an acid and glassy phlegm in the mouth of the stomach. Appetite is also moved by sour things; for that sour things induce a contraction in the nerves placed in the mouth of the stomach, which is a great cause of appetite. As for the cause why onions, and salt, and pepper, in baked meats, move appetite, it is by vellication of those nerves; for motion whetteth. As for wormwood, olives, capers, and others of that kind, which participate of bitterness, they move appetite by abstersion. So as there be four principal causes of appetite; the refrigeration of the stomach joined with some dryness, contraction, vellication, and abstersion; besides hunger, which is an emptiness: and yet over-fasting doth, many times, cause the appetite to cease; for that want of meat maketh the stomach draw humours, and such humours as are light and choleric which quench appetite most.

Experiment solitary touching sweetness of odour from the rainbow.

832. It hath been observed by the ancients, that where a rainbow seemeth to hang over, or to touch, there breatheth forth a sweet smell. The cause is, for that this happeneth but in certain matters, which have in themselves some sweetness; which the gentle dew of the rainbow doth draw forth: and the like do soft showers; for they also make the ground sweet: but none are so delicate as the dew of the rainbow where it falleth. It may be also that the water itself hath some sweetness; for the rainbow consisteth of a glomeration of small drops, which cannot possibly fall but from the air that is very low; and therefore may hold the very sweetness of the herbs and flowers, as a distilled water: for rain, and other dew, that fall from high, cannot preserve the smell, being dissipated in the drawing up: neither do we know, whether some water itself may not have some degree of sweetness. It is true,

that we find it sensibly in no pool, river, nor fountain; but good earth newly turned up, hath a freshness and good scent; which water, if it be not too equal, for equal objects never move the sense, may also have. Certain it is, that bay-salt, which is but a kind of water congealed, will sometimes smell like violets.

Experiment solitary touching sweet smells.

833. To sweet smells heat is requisite to concoct the matter; and some moisture to spread the breath of them. For heat, we see that woods and spices are more odorate in the hot countries than in the cold: for moisture, we see that things too much dried lose their sweetness: and flowers growing, smell better in a morning or evening than at noon. Some sweet smells are destroyed by approach to the fire: as violets, wall-flowers, gilly-flowers, pinks; and generally all flowers that have cool and delicate spirits. Some continue both on the fire, and from the fire; as rose-water, &c. Some do scarce come forth, or at least not so pleasantly, as by means of the fire; as juniper, sweet gums, &c. and all smells that are enclosed in a fast body: but generally those smells are the most grateful, where the degree of heat is small; or where the strength of the smell is allayed; for these things do rather woo the sense, than satiate it. And therefore the smell of violets and roses, exceedeth in sweetness that of spices and gums: and the strongest sort of smells are best in a veft afar off.

Experiment solitary touching the corporeal substance of smells.

834. It is certain, that no smell issueth but with emission of some corporeal substance; not as it is in light, and colours, and in sounds. For we see plainly, that smell doth spread nothing that distance that the other do. It is true, that some woods of oranges, and heaths of rosemary, will smell a great way into the sea, perhaps twenty miles; but what is that, since a peal of ordnance will do as much, which moveth in a small compass? Whereas those woods and heaths are of vast spaces; besides, we see that smells do adhere to hard bodies; as in perfuming of gloves, &c. which showeth them corporeal; and do last a great while, which sounds and light do not.

Experiment solitary touching fetid and fragrant odours.

835. The excrements of most creatures smell ill; chiefly to the same creature that voideth them: for we see, besides that of man, that pigeons and horses have best, if their houses and stables be kept sweet; and so of cage-birds: and the cat burieth that which she voideth: and it holdeth chiefly in those beasts which feed upon flesh. Dogs almost only of beasts delight in fetid odours; which showeth there is somewhat in their sense of smell differing from the smells of other beasts. But the cause why excrements smell ill, is manifest; for that the body itself rejecteth them; much more the spirits: and we see that those excrements that are of the first digestion, smell the worst; as the excrements from the belly; those that are from the second digestion, less ill; as urine; and those that are from the third, yet less; for sweat is not so bad as the other two; especially of some persons, that are full of heat. Likewise most putrefactions are of an odious smell: for they smell either fetid or mouldy. The cause may be, for that putrefaction doth bring forth such a consistence, as is most contrary to the consistence of the body whilst it is sound: for it is a mere dissolution of that form. Besides, there is another reason, which is profound: and it is, that the objects that please any of the senses have all some equality, and, as it were, order in their composition; but where those are wanting, the object is ever ingrate. So mixture of many disagreeing colours is ever unpleasant to the eye: mixture of discordant sounds is unpleasant to the ear: mixture, or hotch-potch of many tastes, is unpleasant to the taste: harshness and ruggedness of bodies is unpleasant to the touch: now it is certain, that all putrefaction, being a dissolution of the first form, is a mere confusion and unformed mixture of the part. Nevertheless it is strange, and seemeth to cross the former observation, that some putrefactions and excrements do yield excellent odours, as civet and musk; and, as some think, ambergrease: for divers take it, though improbably, to come from the sperm of a fish: and the moss we spake of from apple-trees, is little better than an excretion. The reason may be, for that there passeth in the excrements, and remaineth in the putrefactions, some good spirits; especially where they proceed from creatures that are very hot. But it may be also joined with a farther cause, which is more subtile; and it is, that the senses love not to be over-pleased, but to have a commixture of somewhat that is in itself ingrate. Certainly, we see how discords in music, falling upon concords, make the sweetest strains: and we see again, what strange tastes delight the taste; as red herrings, caviary, parmesan, &c. And it may be the same holdeth in smells: for those kind of smells that we have mentioned, are all strong, and do pull and vellicate the sense. And we find also, that places where men urine, commonly have some smell of violets: and urine, if one hath eaten nutmeg, hath so too.

The slothful, general, and indefinite contemplations, and notions, of the elements and their conjugations; of the influences of heaven; of heat, cold, moisture, drought, qualities active, passive, and the like; have swallowed up the true passages, and processes, and affects, and consistences of matter and natural bodies. Therefore they are to be set aside, being but notional and ill limited; and definite axioms are to be drawn out of measured instances: and so assent to be made to the more general axioms by scale. And of these kinds of processes of natures and characters of matter, we will now set down some instances.

Experiment solitary touching the causes of putrefaction.

836. All putrefactions come chiefly from the in-

ward spirits of the body; and partly also from the ambient body, be it air, liquor, or whatsoever else. And this last, by two means: either by ingress of the substance of the ambient body into the body putrified; or by excitation and solicitation of the body putrified, and the parts thereof, by the body ambient. As for the received opinion, that putrefaction is caused, either by cold, or peregrine and preternatural heat, it is but nugation: for cold in things inanimate, is the greatest enemy that is to putrefaction; though it extinguisheth vivification, which ever consisteth in spirits attenuate, which the cold doth congeal and coagulate. And as for the peregrine heat, it is thus far true, that if the proportion of the adventive heat be greatly predominant to the natural heat and spirits of the body, it tendeth to dissolution, or notable alteration. But this is wrought by emission, or suppression, or suffocation, of the native spirits; and also by the disordination and discomposure of the tangible parts, and other passages of nature, and not by a conflict of heats.

Experiment solitary touching bodies unperfectly mixed.

837. In versions, or main alterations of bodies, there is a medium between the body, as it is at first, and the body resulting; which medium is corpus imperfecte mistum, and is transitory and not durable; as mists, smokes, vapours, chylus in the stomach, living creatures in the first vivification: and the middle action, which produceth such imperfect bodies, is fitly called, by some of the ancients, inquination, or inconcoction, which is a kind of putrefaction: for the parts are in confusion, till they settle one way or other.

Experiment solitary touching concoction and crudity.

838. The word concoction, or digestion, is chiefly taken into use from living creatures and their organs; and from thence extended to liquors and fruits, &c. Therefore they speak of meat concocted; urine and excrements concocted; and the four digestions, in the stomach, in the liver, in the arteries and nerves, and in the several parts of the body, are likewise called concoctions: and they are all made to be the works of heat; all which notions are but ignorant catches of a few things, which are most obvious to men's observations. The constantest notion of concoction is, that it should signify the degrees of alteration, of one body into another, from crudity to perfect concoction; which is the ultimity of that action or process; and while the body to be converted and altered is too strong for the efficient that should convert or alter it, whereby it resisteth and holdeth fast in some degree the first form or consistence, it is all that while crude and inconcoct: and the process is to be called crudity and inconcoction. It is true, that concoction is in great part the work of heat, but not the work of heat alone: for all things that farther the conversion, or alteration, as rest, mixture of a body already concocted, &c. are also means to concoction. And there are of concoction two periods; the one assimilation, or absolute conversion and subaction; the other maturation; whereof the former is most conspicuous in the bodies of living creatures; in which there is an absolute conversion and assimilation of the nourishment into the body: and likewise in the bodies of plants: and again in metals, where there is a full transmutation. The other, which is maturation, is seen in liquors and fruits: wherein there is not desired, nor pretended, an utter conversion, but only an alteration to that form which is most sought for man's use; as in clarifying of drinks, ripening of fruits, &c. But note, that there be two kinds of absolute conversions; the one is, when a body is converted into another body, which was before; as when nourishment is turned into flesh; that is it which we call assimilation. The other is, when the conversion is into a body merely new, and which was not before; as if silver should be turned to gold, or iron to copper: and this conversion is better called, for distinction sake, transmutation.

Experiment solitary touching alterations, which may be called majors.

839. There are also divers other great alterations of matter and bodies, besides those that tend to concoction and maturation; for whatsoever doth so alter a body, as it returneth not again to that it was, may be called alteratio major; as when meat is boiled, or roasted, or fried, &c.; or when bread and meat are baked; or when cheese is made of curds, or butter of cream, or coals of wood, or bricks of earth; and a number of others. But to apply notions philosophical to plebeian terms; or to say, where the notions cannot fitly be reconciled, that there wanteth a term or nomenclature for it, as the ancients used, they be but shifts of ignorance; for knowledge will be ever a wandering and indigested thing, if it be but a commixture of a few notions that are at hand and occur, and not excited from sufficient number of instances, and those well collated.

The consistences of bodies are very diverse: dense, rare; tangible, pneumatical; volatile, fixed; determinate, not determinate; hard, soft; cleaving, not cleaving; congelable, not congelable; liquefiable, not liquefiable; fragile, tough: flexible, inflexible; tractile, or to be drawn forth in length, intractile; porous, solid; equal and smooth, unequal; venous and fibrous, and with grains, entire; and divers others; all which to refer to heat, and cold, and moisture, and drought, is a compendious and inutile speculation. But of these see principally our "Abecedarium Naturæ;" and otherwise sparsim in this our "Sylva Sylvarum:" nevertheless, in some good part, we shall handle divers of them now presently.

Experiment solitary touching bodies liquefiable, and not liquefiable.

840. Liquefiable, and not liquefiable, proceed from these causes: liquefaction is ever caused by the detention of the spirits, which play within the body and open it. Therefore such bodies as are more turgid of spirit; or that have their spirits

more straitly imprisoned; or, again, that hold them better pleased and content, are liquefiable: for these three dispositions of bodies do arrest the emission of the spirits. An example of the first two properties is in metals; and of the last in grease, pitch, sulphur, butter, wax, &c. The disposition not to liquefy proceedeth from the easy emission of the spirits, whereby the grosser parts contract; and therefore bodies jejune of spirits, or which part with their spirits more willingly, are not liquefiable; as wood, clay, free-stone, &c. But yet even many of those bodies that will not melt, or will hardly melt, will notwithstanding soften; as iron, in the forge; and a stick bathed in hot ashes, which thereby becometh more flexible. Moreover there are some bodies which do liquefy or dissolve by fire: as metals, wax, &c. and other bodies which dissolve in water; as salt, sugar, &c. The cause of the former proceedeth from the dilatation of the spirits by heat: the cause of the latter proceedeth from the opening of the tangible parts, which desire to receive the liquor. Again, there are some bodies that dissolve with both; as gum, &c. And those be such bodies, as on the one side have good store of spirit; and on the other side, have the tangible parts indigent of moisture; for the former helpeth to the dilating of the spirits by the fire; and the latter stimulateth the parts to receive the liquor.

Experiment solitary touching bodies fragile and tough.

841. Of bodies some are fragile; and some are tough, and not fragile; and in the breaking, some fragile bodies break but where the force is; some shatter and fly in many places. Of fragility, the cause is an impotency to be extended; and therefore stone is more fragile than metal; and so fictile earth is more fragile than crude earth; and dry wood than green. And the cause of this unapiness to extension, is the small quantity of spirits; for it is the spirit that farthereth the extension or dilatation of bodies; and it is ever concomitant with porosity, and with dryness in the tangible parts: contrariwise, tough bodies have more spirit, and fewer pores, and moister tangible parts: therefore we see that parchment or leather will stretch, paper will not; woollen cloth will tenter, linen scarcely.

Experiment solitary touching the two kinds of pneumaticals in bodies.

842. All solid bodies consist of parts of two several natures, pneumatical and tangible; and it is well to be noted, that the pneumatical substance is in some bodies the native spirit of the body, and in some other, plain air that is gotten in; as in bodies desiccate by heat or age: for in them, when the native spirit goeth forth, and the moisture with it, the air with time getteth into the pores. And those bodies are ever the more fragile; for the native spirit is more yielding and extensive, especially to follow the parts, than air. The native spirits also admit great diversity; as hot, cold, active, dull, &c. whence proceed most of the virtues and qualities, as we call them, of bodies: but the air intermixed is without virtues, and maketh things insipid, and without any exstimulation.

Experiment solitary touching concretion and dissolution of bodies.

843. The concretion of bodies is commonly solved by the contrary; as ice, which is congealed by cold, is dissolved by heat; salt and sugar, which are excocted by heat, are dissolved by cold and moisture. The cause is, for that these operations are rather returns to their former nature, than alterations; so that the contrary cureth. As for oil, it doth neither easily congeal with cold, nor thicken with heat. The cause of both effects, though they be produced by contrary efficients, seemeth to be the same; and that is, because the spirit of the oil by either means exhaleth little, for the cold keepeth it in; and the heat, except it be vehement, doth not call it forth. As for cold, though it take hold of the tangible parts, yet as to the spirits, it doth rather make them swell than congeal them: as when ice is congealed in a cup, the ice will swell instead of contracting, and sometimes rift.

Experiment solitary touching hard and soft bodies.

844. Of bodies, some we see are hard, and some soft: the hardness is caused chiefly by the jejuneness of the spirits, and their imparity with the tangible parts: both which, if they be in a greater degree, make them not only hard, but fragile, and less enduring of pressure; as steel, stone, glass, dry wood, &c. Softness cometh, contrariwise, by the greater quantity of spirits, which ever helpeth to induce yielding and cession, and by the more equal spreading of the tangible parts, which thereby are more sliding and following: as in gold, lead, wax, &c. But note, that soft bodies, as we use the word, are of two kinds; the one, that easily giveth place to another body, but altereth not bulk, by rising in other places: and therefore we see that wax, if you put any thing into it, doth not rise in bulk, but only giveth place: for you may not think, that in printing of wax, the wax riseth up at all; but only the depressed part giveth place, and the other remaineth as it was. The other that altereth bulk in the cession, as water, or other liquors, if you put a stone or any thing into them, they give place indeed easily, but then they rise all over; which is a false cession; for it is in place, and not in body.

Experiment solitary touching bodies ductile and tensile.

845. All bodies ductile and tensile, as metals, that will be drawn into wires; wool, and tow, that will be drawn into yarn or thread, have in them the appetite of not discontinuing strong, which maketh them follow the force that pulleth them out; and yet so, as not to discontinue or forsake their own body. Viscous bodies likewise, as pitch, wax, birdlime, cheese toasted, will draw forth and rope. But the difference between bodies fibrous and bodies viscous is plain: for all wool, and tow, and cotton,

and silk, especially raw silk, have, besides their desire of continuance, in regard of the tenuity of their thread, a greediness of moisture: and by moisture to join and incorporate with other thread; especially if there be a little wreathing; as appeareth by the twisting of thread, and the practice of twirling about of spindles. And we see also, that gold and silver thread cannot be made without twisting.

Experiment solitary touching other passions of matter, and characters of bodies.

846. The differences of impressible and not impressible; figurable and not figurable; mouldable and not mouldable; scissile and not scissile; and many other passions of matter, are plebeian notions, applied unto the instruments and uses which men ordinarily practise; but they are all but the effects of some of these causes following, which we will enumerate without applying them, because that will be too long. The first is the cession or not cession of bodies, into a smaller space or room, keeping the outward bulk, and not flying up. The second is the stronger or weaker appetite in bodies to continuity, and to fly discontinuity. The third is the disposition of bodies to contract or not contract: and again, to extend or not extend. The fourth is the small quantity or great quantity of the pneumatical in bodies. The fifth is the nature of the pneumatical, whether it be native spirit of the body, or common air. The sixth is the nature of the native spirits in the body, whether they be active and eager, or dull and gentle. The seventh is the emission or detention of the spirits in bodies. The eighth is the dilatation or contraction of the spirits in bodies, while they are detained. The ninth is the collocation of the spirits in bodies, whether the collocation be equal or unequal; and again, whether the spirits be coacervate or diffused. The tenth is the density or rarity of the tangible parts. The eleventh is the equality or inequality of the tangible parts. The twelfth is the digestion or crudity of the tangible parts. The thirteenth is the nature of the matter, whether sulphureous or mercurial, watery or oily, dry and terrestrial, or moist and liquid; which natures of sulphureous and mercurial, seem to be natures radical and principal. The fourteenth is the placing of the tangible parts in length or transverse, as it is in the warp and the woof of textiles, more inward, or more outward, &c. The fifteenth is the porosity or imporosity betwixt the tangible parts, and the greatness or smallness of the pores. The sixteenth is the collocation and posture of the pores. There may be more causes; but these do occur for the present.

Experiment solitary touching induration by sympathy.

847. Take lead and melt it, and in the midst of it, when it beginneth to congeal, make a little dint or hole, and put quicksilver wrapped in a piece of linen into that hole, and the quicksilver will fix and run no more, and endure the hammer. This is a noble instance of induration, by consent of one body with another, and motion of excitation to imitate; for to ascribe it only to the vapour of lead, is less probable. *Query*, whether the fixing may be in such a degree, as it will be figured like other metals? For if so, you may make works of it for some purposes, so they come not near the fire.

Experiment solitary touching honey and sugar.

848. Sugar hath put down the use of honey, insomuch as we have lost those observations and preparations of honey which the ancients had, when it was more in price. First, it seemeth that there was in old time tree-honey, as well as bee-honey, which was the tear or blood issuing from the tree: insomuch as one of the ancients relateth, that in Trebisond there was honey issuing from the box-trees, which made men mad. Again, in ancient time there was a kind of honey, which either of its own nature, or by art, would grow as hard as sugar, and was not so luscious as ours. They had also a wine of honey, which they made thus. They crushed the honey into a great quantity of water, and then strained the liquor: after they boiled it in a copper to the half; then they poured it into earthen vessels for a small time; and after turned it into vessels of wood, and kept it for many years. They have also at this day, in Russia and those northern countries, mead simple, which, well made and seasoned, is a good wholesome drink, and very clear. They use also in Wales a compound drink of mead, with herbs and spices. But meanwhile it were good, in recompence of that we have lost in honey, there were brought in use a sugar-mead, for so we may call it, though without any mixture at all of honey; and to brew it, and keep it stale, as they use mead: for certainly, though it would not be so abstersive, and opening, and solutive a drink as mead; yet it will be more grateful to the stomach, and more lenitive, and fit to be used in sharp diseases: for we see, that the use of sugar in beer and ale hath good effects in such cases.

Experiment solitary touching the finer sort of base metals.

849. It is reported by the ancients, that there was a kind of steel in some places, which would polish almost as white and bright as silver. And that there was in India a kind of brass, which, being polished, could scarce be discerned from gold. This was in the natural ure: but I am doubtful, whether men have sufficiently refined metals, which we count base; as whether iron, brass, and tin be refined to the height? But when they come to such a fineness, as serveth the ordinary use, they try no farther.

Experiment solitary touching cements and quarries.

850. There have been found certain cements under earth that are very soft; and yet, taken forth into the sun, harden as hard as marble: there are also ordinary quarries in Somersetshire, which in the quarry cut soft to any bigness, and in the building prove firm and hard.

Experiment solitary touching the altering of the colour of hairs and feathers.

851. Living creatures generally do change their hair with age, turning to be grey and white: as is seen in men, though some earlier, some later; in horses that are dappled, and turn white; in old squirrels that turn grisly; and many others. So do some birds; as cygnets from grey turn white; hawks from brown turn more white. And some birds there be that upon their moulting do turn colour; as robin-red-breasts, after their moulting, growing to be red again by degrees; so do goldfinches upon the head. The cause is, for that moisture doth chiefly colour hair and feathers, and dryness turneth them grey and white: now hair in age waxeth dryer; so do feathers. As for feathers, after moulting, they are young feathers, and so all one as the feathers of young birds. So the beard is younger than the hair of the head, and doth, for the most part, wax hoary later. Out of this ground a man may devise the means of altering the colour of birds, and the retardation of hoary hairs. But of this see the fifth experiment.

Experiment solitary touching the differences of living creatures, male and female.

852. The difference between male and female, in some creatures, is not to be discerned, otherwise than in the parts of generation: as in horses and mares, dogs and bitches, doves he and she, and others. But some differ in magnitude, and that diversly; for in most the male is the greater; as in man, pheasants, peacocks, turkeys, and the like: and in some few, as in hawks, the female. Some differ in the hair and feathers, both in the quantity, crispation, and colours of them; as he-lions are hirsute, and have great manes: the she-lions are smooth like cats. Bulls are more crisp upon the forehead than cows; the peacock, and pheasant-cock, and goldfinch-cock, have glorious and fine colours; the hens have not. Generally the males in birds have fairest feathers. Some differ in divers features: as bucks have horns, does none; rams have more wreathed horns than ewes; cocks have great combs and spurs, hens little or none; boars have great fangs, sows much less; the turkey-cock hath great and swelling gills, the hen hath less; men have generally deeper and stronger voices than women. Some differ in faculty; as the cocks amongst singing-birds are the best singers. The chief cause of all these, no doubt, is, for that the males have more strength of heat than the females; which appeareth manifestly in this, that all young creatures males are like females; and so are eunuchs, and gelt creatures of all kinds, like females. Now heat causeth greatness of growth, generally, where there is moisture enough to work upon: but if there be found in any creature, which is seen rarely, an over-great heat in proportion to the moisture, in them the female is the greater; as in hawks and sparrows. And if the heat be balanced with the moisture, then there is no difference to be seen between male and female; as in the instances of horses and dogs. We see also, that the horns of oxen and cows, for the most part, are larger than the bulls; which is caused by abundance of moisture, which in the horns of the bull faileth. Again, heat causeth pilosity and crispation, and so likewise beards in men. It also expelleth finer moisture, which want of heat cannot expel; and that is the cause of the beauty and variety of feathers. Again, heat doth put forth many excrescences, and much solid matter, which want of heat cannot do: and this is the cause of horns, and of the greatness of them; and of the greatness of the combs and spurs of cocks, gills of turkey-cocks, and fangs of boars. Heat also dilateth the pipes and organs, which causeth the deepness of the voice. Again, heat refineth the spirits, and that causeth the cock singing-bird to excel the hen.

Experiment solitary touching the comparative magnitude of living creatures.

853. There be fishes greater than any beasts; as the whale is far greater than the elephant: and beasts are generally greater than birds. For fishes, the cause may be, that because they live not in the air, they have not their moisture drawn and soaked by the air and sun-beams. Also they rest always in a manner, and are supported by the water: whereas motion and labour do consume. As for the greatness of beasts more than of birds, it is caused, for that beasts stay longer time in the womb than birds, and there nourish and grow; whereas in birds, after the egg laid, there is no farther growth or nourishment from the female; for the sitting doth vivify, and not nourish.

Experiment solitary touching exossation of fruits.

854. We have partly touched before the means of producing fruits without cores or stones. And this we add farther, that the cause must be abundance of moisture; for that the core and stone are made of a dry sap: and we see, that it is possible to make a tree put forth only in blossom, without fruit; as in cherries with double flowers; much more into fruit without stone or cores. It is reported, that a cion of an apple, grafted upon a colewort stalk, sendeth forth a great apple without a core. It is not unlikely, that if the inward pith of a tree were taken out, so that the juice came only by the bark, it would work the effect. For it hath been observed, that in pollards, if the water get in on the top, and they become hollow, they put forth the more. We add also, that it is delivered for certain by some, that if the cion be grafted the small end downwards, it will make fruit have little or no cores and stones.

Experiment solitary touching the melioration of tobacco.

855. Tobacco is a thing of great price, if it be in request: for an acre of it will be worth, as is affirmed, two hundred pounds by the year towards charge. The charge of making the ground and otherwise is great, but nothing to the profit; but the English tobacco hath small credit, as being too dull and earthy: nay, the Virginian tobacco, though that be in a hotter climate, can get no credit for the same cause: so that a trial to make tobacco more aromatical, and better concocted, here in England,

were a thing of great profit. Some have gone about to do it by drenching the English tobacco in a decoction or infusion of Indian tobacco: but those are but sophistications and toys; for nothing that is once perfect, and hath run its race, can receive much amendment. You must ever resort to the beginnings of things for melioration. The way of maturation of tobacco must, as in other plants, be from the heat either of the earth or of the sun: we see some leading of this in musk-melons, which are sown upon a hot-bed dunged below, upon a bank turned upon the south sun, to give heat by reflection; laid upon tiles, which increaseth the heat, and covered with straw to keep them from cold. They remove them also, which addeth some life: and by these helps they become as good in England, as in Italy or Provence. These, and the like means, may be tried in tobacco. Inquire also of the steeping of the roots in some such liquor as may give them vigour to put forth strong.

Experiment solitary touching several heats working the same effects.

856. Heat of the sun for the maturation of fruits; yea, and the heat of vivification of living creatures, are both represented and supplied by the heat of fire; and likewise the heats of the sun, and life, are represented one by the other. Trees set upon the backs of chimneys do ripen fruit sooner. Vines, that have been drawn in at the window of a kitchen, have sent forth grapes ripe a month at least before others. Stoves at the back of walls bring forth oranges here with us. Eggs, as is reported by some, have been hatched in the warmth of an oven. It is reported by the ancients, that the ostrich layeth her eggs under sand, where the heat of the sun discloseth them.

Experiment solitary touching swelling and dilatation in boiling.

857. Barley in the boiling swelleth not much; wheat swelleth more; rice extremely; insomuch as a quarter of a pint, unboiled, will arise to a pint boiled. The cause no doubt is, for that the more close and compact the body is, the more it will dilate: now barley is the most hollow; wheat more solid than that; and rice most solid of all. It may be also that some bodies have a kind of lentour, and more depertible nature than others: as we see it evident in coloration; for a small quantity of saffron will tinct more than a very great quantity of brasil or wine.

Experiment solitary touching the dulcoration of fruits.

858. Fruit groweth sweet by rolling, or pressing them gently with the hand; as rolling pears, damascenes, &c.: by rottenness; as medlars, services, sloes, hips, &c.: by time; as apples, wardens, pomegranates, &c.: by certain special maturations; as by laying them in hay, straw, &c.: and by fire; as in roasting, stewing, baking, &c. The cause of the sweetness by rolling and pressing, is emollition, which they properly induce; as in beating of stockfish, flesh, &c.: by rottenness is, for that the spirits of the fruit by putrefaction gather heat, and thereby digest the harder part, for in all putrefactions there is a degree of heat: by time and keeping is, because the spirits of the body do ever feed upon the tangible parts, and attenuate them: by several maturations is, by some degree of heat: and by fire is, because it is the proper work of heat to refine, and to incorporate; and all sourness consisteth in some grossness of the body; and all incorporation doth make the mixture of the body more equal in all its parts; which ever induceth a milder taste.

Experiment solitary touching flesh edible, and not edible.

859. Of fleshes, some are edible; some, except it be in famine, not. For those that are not edible, the cause is, for that they have commonly too much bitterness of taste; and therefore those creatures which are fierce and choleric are not edible; as lions, wolves, squirrels, dogs, foxes, horses, &c. As for kine, sheep, goats, deer, swine, conies, hares, &c. we see they are mild and fearful. Yet it is true, that horses, which are beasts of courage, have been, and are eaten by some nations; as the Scythians were called Hyppophagi; and the Chinese eat horse-flesh at this day; and some gluttons have used to have colt's flesh baked. In birds, such as are carnivoræ, and birds of prey, are commonly no good meat; but the reason is, rather the choleric nature of those birds, than their feeding upon flesh: for pewets, gulls, shovellers, ducks, do feed upon flesh, and yet are good meat. And we see that those birds which are of prey, or feed upon flesh, are good meat when they are very young; as hawks, rooks out of the nest, owls, &c. Man's flesh is not eaten. The reasons are three: first, because men in humanity do abhor it: secondly, because no living creature that dieth of itself is good to eat: and therefore the cannibals themselves eat no man's flesh of those that die of themselves, but of such as are slain. The third is, because there must be generally some disparity between the nourishment and the body nourished; and they must not be over-near, or like: yet we see, that in great weaknesses and consumptions, men have been sustained with women's milk; and Ficinus, fondly, as I conceive, adviseth, for the prolongation of life, that a vein be opened in the arm of some wholesome young man, and the blood to be sucked. It is said that witches do greedily eat man's flesh: which if it be true, besides a devilish appetite in them, it is likely to proceed, for that man's flesh may send up high and pleasing vapours, which may stir the imagination; and witches' felicity is chiefly in imagination, as hath been said.

Experiment solitary touching the salamander.

860. There is an ancient received tradition of the salamander, that it liveth in the fire, and hath force also to extinguish the fire. It must have two things, if it be true, to this operation: the one a very close skin, whereby flame, which in the midst is not so hot, cannot enter; for we see that if the palm of the hand be anointed thick with white of egg, and then

aqua vitæ be poured upon it, and inflamed, yet one may endure the flame a pretty while. The other is some extreme cold and quenching virtue in the body of that creature, which choketh the fire. We see that milk quencheth wild-fire better than water, because it entereth better.

Experiment solitary touching the contrary operations of time upon fruits and liquors.

861. Time doth change fruit, as apples, pears, pomegranates, &c. from more sour to more sweet: but contrariwise liquors, even those that are of the juice of fruit, from more sweet to more sour: as wort, muste, new verjuice, &c. The cause is, the congregation of the spirits together: for in both kinds the spirit is attenuated by time; but in the first kind it is more diffused, and more mastered by the grosser parts, which the spirits do but digest: but in drinks the spirits do reign, and finding less opposition of the parts, become themselves more strong; which causeth also more strength in the liquor; such as, if the spirits be of the hotter sort, the liquor becometh apt to burn: but in time, it causeth likewise, when the higher spirits are evaporated, more sourness.

Experiment solitary touching blows and bruises.

862. It hath been observed by the ancients, that plates of metal, and especially of brass, applied presently to a blow, will keep it down from swelling. The cause is repercussion, without humectation or entrance of any body: for the plate hath only a virtual cold, which doth not search into the hurt; whereas all plasters and ointments do enter. Surely, the cause that blows and bruises induce swellings is, for that the spirits resorting to succour the part that laboureth, draw also the humours with them: for we see, that it is not the repulse and the return of the humour in the part strucken that causeth it; for that gouts and tooth-aches cause swelling, where there is no percussion at all.

Experiment solitary touching the orrice root.

863. The nature of the orrice root is almost singular; for there be few odoriferous roots; and in those that are in any degree sweet, it is but the same sweetness with the wood or leaf: but the orrice is not sweet in the leaf; neither is the flower any thing so sweet as the root. The root seemeth to have a tender dainty heat; which, when it cometh above ground to the sun and the air, vanisheth: for it is a great mollifier; and hath a smell like a violet.

Experiment solitary touching the compression of liquors.

864. It hath been observed by the ancients, that a great vessel full, drawn into bottles, and then the liquor put again into the vessel, will not fill the vessel again so full as it was, but that it may take in more liquor: and that this holdeth more in wine than in water. The cause may be trivial; namely, by the expense of the liquor, in regard some may stick to the sides of the bottles: but there may be a cause more subtile; which is, that the liquor in the vessel is not so much compressed as in the bottle; because in the vessel the liquor meeteth with liquor chiefly; but in the bottles a small quantity of liquor meeteth with the sides of the bottles, which compress it so that it doth not open again.

Experiment solitary touching the working of water upon air contiguous.

865. Water, being contiguous with air, cooleth it, but moisteneth it not, except it vapour. The cause is, for that heat and cold have a virtual transition, without communication of substance; but moisture not: and to all madefaction there is required an imbibition: but where the bodies are of such several levity and gravity as they mingle not, there can follow no imbibition. And therefore, oil likewise lieth at the top of the water, without commixture: and a drop of water running swiftly over a straw or smooth body, wetteth not.

Experiment solitary touching the nature of air.

866. Star-light nights, yea, and bright moon-shine nights, are colder than cloudy nights. The cause is, the dryness and fineness of the air, which thereby becometh more piercing and sharp; and therefore great continents are colder than islands: and as for the moon, though itself inclineth the air to moisture, yet when it shineth bright, it argueth the air is dry. Also close air is warmer than open air; which, it may be, is, for that the true cause of cold is an expiration from the globe of the earth, which in open places is stronger; and again, air itself, if it be not altered by that expiration, is not without some secret degree of heat; as it is not likewise without some secret degree of light: for otherwise cats and owls could not see in the night; but that air hath a little light, proportionable to the visual spirits of those creatures.

Experiments in consort touching the eyes and sight.

867. The eyes do move one and the same way; for when one eye moveth to the nostril, the other moveth from the nostril. The cause is motion of consent, which in the spirits and parts spiritual is strong. But yet use will induce the contrary; for some can squint when they will: and the common tradition is, that if children be set upon a table with a candle behind them, both eyes will move outwards, as affecting to see the light, and so induce squinting.

868. We see more exquisitely with one eye shut, than with both open. The cause is, for that the spirits visual unite themselves more, and so become stronger. For you may see, by looking in a glass, that when you shut one eye, the pupil of the other eye that is open dilateth.

869. The eyes, if the sight meet not in one angle, see things double. The cause is, for that seeing two things, and seeing one thing twice, worketh the same effect: and therefore a little pellet held between two fingers laid across, seemeth double.

870. Pore-blind men see best in the dimmer lights; and likewise have their sight stronger near hand, than those that are not pore-blind; and can read and write smaller letters. The cause is, for that

the spirits visual in those that are pore-blind, are thinner and rarer than in others; and therefore the greater light disperseth them. For the same cause they need contracting; but being contracted, are more strong than the visual spirits of ordinary eyes are; as when we see through a level, the sight is the stronger; and so is it when you gather the eye-lids somewhat close: and it is commonly seen in those that are pore-blind, that they do much gather the eye-lids together. But old men, when they would see to read, put the paper somewhat afar off: the cause is, for that old men's spirits visual, contrary to those of pore-blind men, unite not, but when the object is at some good distance from their eyes.

871. Men see better, when their eyes are over-against the sun or a candle, if they put their hand a little before their eyes. The reason is, for that the glaring of the sun or the candle doth weaken the eye; whereas the light circumfused is enough for the perception. For we see that an over-light maketh the eyes dazzle; insomuch as perpetual looking against the sun would cause blindness. Again, if men come out of a great light into a dark room; and contrariwise, if they come out of a dark room into a light room, they seem to have a mist before their eyes, and see worse than they shall do after they have stayed a little while, either in the light or in the dark. The cause is, for that the spirits visual are, upon a sudden change, disturbed and put out of order; and till they be recollected do not perform their function well. For when they are much dilated by light, they cannot contract suddenly; and when they are much contracted by darkness, they cannot dilate suddenly. And excess of both these, that is, of the dilatation and contraction of the spirits visual, if it be long, destroyeth the eye. For as long looking against the sun or fire hurteth the eye by dilatation; so curious painting in small volumes, and reading of small letters, do hurt the eye by contraction.

872. It hath been observed, that in anger the eyes wax red; and in blushing, not the eyes, but the ears, and the parts behind them. The cause is, for that in anger the spirits ascend and wax eager; which is most easily seen in the eyes, because they are translucid; though withal it maketh both the cheeks and the gills red: but in blushing, it is true the spirits ascend likewise to succour both the eyes and the face, which are the parts that labour; but then they are repulsed by the eyes, for that the eyes, in shame, do put back the spirits that ascend to them, as unwilling to look abroad: for no man in that passion doth look strongly, but dejectedly; and that repulsion from the eyes diverteth the spirits and heat more to the ears, and the parts by them.

873. The objects of the sight may cause a great pleasure and delight in the spirits, but no pain or great offence; except it be by memory, as hath been said. The glimpses and beams of diamonds that strike the eye; Indian feathers, that have glorious colours; the coming into a fair garden; the coming into a fair room richly furnished; a beautiful person; and the like; do delight and exhilarate the spirits much. The reason why it holdeth not in the offence is, for that the sight is the most spiritu of the senses; whereby it hath no object gro enough to offend it. But the cause chiefly is, fo that there be no active objects to offend the ey For harmonical sounds, and discordant sounds, a both active and positive: so are sweet smells a stinks: so are bitter and sweet in tastes: so a over-hot and over-cold in touch: but blackness a darkness are indeed but privatives; and therefo have little or no activity. Somewhat they do co tristate, but very little.

Experiment solitary touching the colour of the se or other water.

874. Water of the sea, or otherwise, looke blacker when it is moved, and whiter when it re eth. The cause is, for that by means of the motio the beams of light pass not straight, and therefo must be darkened; whereas, when it resteth, t beams do pass straight. Besides, splendour hath degree of whiteness; especially if there be a lit repercussion: for a looking-glass with the steel b hind, looketh whiter than glass simple. This e periment deserveth to be driven farther, in tryi by what means motion may hinder sight.

Experiment solitary touching shell-fish.

875. Shell-fish have been, by some of the ancie compared and sorted with the insecta; but I see reason why they should; for they have male a female as other fish have: neither are they bred putrefaction; especially such as do move. Nev theless it is certain, that oysters, and cockles, a mussels, which move not, have no discriminate s *Query*, in what time, and how they are bred? seemeth, that shells of oysters are bred where n were before; and it is tried, that the great hor mussel, with the fine shell, that breedeth in pon hath bred within thirty years: but then, which strange, it hath been tried, that they do not o gape and shut as the oysters do, but remove fr one place to another.

Experiment solitary touching the right side and the left.

876. The senses are alike strong, both on the rig side and on the left; but the limbs on the right si are stronger. The cause may be, for that the bra which is the instrument of sense, is alike on b sides; but motion, and abilities of moving, are som what holpen from the liver, which lieth on the rig side. It may be also, for that the senses are p in exercise indifferently on both sides from the ti of our birth; but the limbs are used most on t right side, whereby custom helpeth; for we see th some are left-handed; which are such as have us the left hand most.

Experiment solitary touching frictions.

877. Frictions make the parts more fleshy a full; as we see both in men, and in the currying horses, &c. The cause is, for that they draw great quantity of spirits and blood to the parts: and agai because they draw the aliment more forcibly fro

within: and again, because they relax the pores, and so make better passage for the spirits, blood, and aliment: lastly, because they dissipate and digest any inutile or excrementitious moisture which lieth in the flesh; all which help assimilation. Frictions also do more fill and impinguate the body, than exercise. The cause is, for that in frictions the inward parts are at rest; which in exercise are beaten, many times, too much: and for the same reason, as we have noted heretofore, galley-slaves are fat and fleshy, because they stir the limbs more, and the inward parts less.

Experiment solitary touching globes appearing flat at distance.

878. All globes afar off appear flat. The cause is, for that distance, being a secondary object of sight, is not otherwise discerned, than by more or less light; which disparity, when it cannot be discerned, all seemeth one: as it is, generally, in objects not distinctly discerned; for so letters, if they be so far off as they cannot be discerned, show but as a duskish paper; and all engravings and embossings, afar off, appear plain.

Experiment solitary touching shadows.

879. The uttermost parts of shadows seem ever to tremble. The cause is, for that the little motes which we see in the sun do ever stir, though there be no wind; and therefore those moving, in the meeting of the light and the shadow, from the light to the shadow, and from the shadow to the light, do show the shadow to move, because the medium moveth.

Experiment solitary touching the rolling and breaking of the seas.

880. Shallow and narrow seas break more than deep and large. The cause is, for that, the impulsion being the same in both, where there is greater quantity of water, and likewise space enough, there the water rolleth and moveth, both more slowly, and with a sloper rise and fall: but where there is less water, and less space, and the water dasheth more against the bottom, there it moveth more swiftly, and more in precipice; for in the breaking of the waves there is ever a precipice.

Experiment solitary touching the dulcoration of salt water.

881. It hath been observed by the ancients, that salt water boiled, or boiled and cooled again, is more potable, than of itself raw: and yet the taste of salt in distillations by fire riseth not, for the distilled water will be fresh. The cause may be, for that the salt part of the water doth partly rise into a kind of scum on the top, and partly goeth into a sediment to the bottom; and so is rather a separation than an evaporation. But it is too gross to rise into a vapour; and so is a bitter taste likewise; for simple distilled waters, of wormwood, and the like, are not bitter.

Experiment solitary touching the return of saltness in pits upon the sea-shore.

882. It hath been set down before, that pits upon the sea-shore turn into fresh water, by percolation of the salt through the sand; but it is farther noted, by some of the ancients, that in some places of Africa, after a time, the water in such pits will become brackish again. The cause is, for that after a time, the very sands through which the salt water passeth, become salt; and so the strainer itself is tinctured with salt. The remedy therefore is, to dig still new pits, when the old wax brackish; as if you would change your strainer.

Experiment solitary touching attraction by similitude of substance.

883. It hath been observed by the ancients, that salt water will dissolve salt put into it, in less time than fresh water will dissolve it. The cause may be, for that the salt in the precedent water doth, by similitude of substance, draw the salt new put in unto it; whereby it diffuseth in the liquor more speedily. This is a noble experiment, if it be true, for it showeth means of more quick and easy infusions; and it is likewise a good instance of attraction by similitude of substance. Try it with sugar put into water formerly sugared, and into other water unsugared.

Experiment solitary touching attraction.

884. Put sugar into wine, part of it above, part under the wine, and you shall find, that which may seem strange, that the sugar above the wine will soften and dissolve sooner than that within the wine. The cause is, for that the wine entereth that part of the sugar which is under the wine, by simple infusion or spreading; but that part above the wine is likewise forced by sucking; for all spongy bodies expel the air and draw in liquor, if it be contiguous: as we see it also in sponges put part above the water. It is worthy the inquiry, to see how you may make more accurate infusions, by help of attraction.

Experiment solitary touching heat under earth.

885. Water in wells is warmer in winter than in summer; and so air in caves. The cause is, for that in the hither parts, under the earth, there is a degree of some heat, as appeareth in sulphureous veins, &c. which shut close in, as in winter, is the more; but if it perspire, as it doth in summer, it is the less.

Experiment solitary touching flying in the air.

886. It is reported, that amongst the Leucadians, in ancient time, upon a superstition they did use to precipitate a man from a high cliff into the sea; tying about him with strings, at some distance, many great fowls; and fixing unto his body divers feathers, spread, to break the fall. Certainly many birds of good wing, as kites, and the like, would bear up a good weight, as they fly; and spreading of feathers thin and close, and in great breadth, will likewise

bear up a great weight, being even laid, without tilting upon the sides. The farther extension of this experiment for flying may be thought upon.

Experiment solitary touching the dye of scarlet.

887. There is in some places, namely in Cephalonia, a little shrub which they call holly-oak, or dwarf-oak: upon the leaves whereof there riseth a tumour like a blister; which they gather, and rub out of it a certain red dust, that converteth, after a while, into worms, which they kill with wine, as is reported, when they begin to quicken: with this dust they dye scarlet.

Experiment solitary touching maleficiating.

888. In Zant it is very ordinary to make men impotent to accompany with their wives. The like is practised in Gascony; where it is called nouër l' eguillette. It is practised always upon the wedding-day. And in Zant the mothers themselves do it, by way of prevention; because thereby they hinder other charms; and can undo their own. It is a thing the civil law taketh knowledge of; and therefore is of no light regard.

Experiment solitary touching the rise of water by means of flame.

889. It is a common experiment, but the cause is mistaken. Take a pot, or better a glass, because therein you may see the motion, and set a candle lighted in the bottom of a bason of water, and turn the mouth of the pot or glass over the candle, and and it will make the water rise. They ascribe it to the drawing of heat; which is not true: for it appeareth plainly to be but a motion of nexe, which they call ne detur vacuum; and it proceedeth thus. The flame of the candle, as soon as it is covered, being suffocated by the close air, lesseneth by little and little; during which time there is some little ascent of water, but not much: for the flame occupying less and less room, as it lesseneth, the water succeedeth. But upon the instant of the candle's going out, there is a sudden rise of a great deal of water; for that the body of the flame filleth no more place, and so the air and the water succeed. It worketh the same effect, if instead of water you put flour or sand into the bason: which showeth, that it is not the flame's drawing the liquor as nourishment, as it is supposed; for all bodies are alike unto it as it is ever in motion of nexe; insomuch as I have seen the glass, being held by the hand, hath lifted up the bason and all; the motion of nexe did so clasp the bottom of the bason. That experiment, when the bason was lifted up, was made with oil, and not with water: nevertheless this is true, that at the very first setting of the mouth of the glass upon the bottom of the bason, it draweth up the water a little, and then standeth at a stay, almost till the candle's going out, as was said. This may show some attraction at first: but of this we will speak more, when we handle attractions by heat.

Experiments in consort touching the influences of the moon.

Of the power of the celestial bodies, and what more secret influences they have, besides the two manifest influences of heat and light, we shall speak when we handle experiments touching the celestial bodies; meanwhile we will give some directions for more certain trials of the virtue and influences of the moon, which is our nearest neighbour.

The influences of the moon, most observed, are four; the drawing forth of heat; the inducing of putrefaction; the increase of moisture; the exciting of the motions of spirits.

890. For the drawing forth of heat, we have formerly prescribed to take water warm, and to set part of it against the moon-beams, and part of it with a screen between; and to see whether that which standeth exposed to the beams will not cool sooner. But because this is but a small interposition, though in the sun we see a small shade doth much, it were good to try it when the moon shineth, and when the moon shineth not at all; and with water warm in a glass bottle, as well as in a dish; and with cinders; and with iron red-hot, &c.

891. For the inducing of putrefaction, it were good to try it with flesh or fish exposed to the moon-beams; and again exposed to the air when the moon shineth not, for the like time; to see whether will corrupt sooner: and try it also with capon, or some other fowl, laid abroad, to see whether it will mortify and become tender sooner: try it also with dead flies, or dead worms, having a little water cast upon them, to see whether will putrify sooner. Try it also with an apple or orange, having holes made in their tops, to see whether will rot or mould sooner. Try it also with Holland cheese, having wine put into it, whether will breed mites sooner or greater.

892. For the increase of moisture, the opinion received is; that seeds will grow soonest; and hair, and nails, and hedges, and herbs, cut, &c. will grow soonest, if they be set or cut in the increase of the moon. Also that brains in rabbits, woodcocks, calves, &c. are fullest in the full of the moon: and so of marrow in the bones: and so of oysters and cockles, which of all the rest are the easiest tried if you have them in pits.

893. Take some seeds, or roots, as onions, &c. and set some of them immediately after the change; and others of the same kind immediately after the full: let them be as like as can be; the earth also the same as near as may be; and therefore best in pots. Let the pots also stand where no rain or sun may come to them, lest the difference of the weather confound the experiment: and then see in what time the seeds set in the increase of the moon come to a certain height; and how they differ from those that are set in the decrease of the moon.

894. It is like, that the brain of man waxeth moister and fuller upon the full of the moon: and therefore it were good for those that have moist brains, and are great drinkers, to take fume of lignum, aloës, rosemary, frankincense, &c. about the full of the moon. It is like also, that the humours

in men's bodies increase and decrease as the moon doth: and therefore it were good to purge some day or two after the full; for that then the humours will not replenish so soon again.

895. As for the exciting of the motion of the spirits, you must note that the growth of hedges, herbs, hair, &c. is caused from the moon, by exciting of the spirits, as well as by increase of the moisture. But for spirits in particular, the great instance is in lunacies.

896. There may be other secret effects of the influence of the moon, which are not yet brought into observation. It may be, that if it so fall out that the wind be north, or north-east, in the full of the moon, it increaseth cold; and if south, or south-west, it disposeth the air for a good while to warmth and rain; which would be observed.

897. It may be, that children and young cattle, that are brought forth in the full of the moon, are stronger and larger than those that are brought forth in the wane; and those also which are begotten in the full of the moon: so that it might be good husbandry to put rams and bulls to their females, somewhat before the full of the moon. It may be also, that the eggs laid in the full of the moon breed the better birds; and a number of the like effects which may be brought into observation. *Query* also, whether great thunders and earthquakes be not most in the full of the moon.

Experiment solitary touching vinegar.

898. The turning of wine to vinegar is a kind of putrefaction: and in making of vinegar, they use to set vessels of wine over-against the noon sun; which calleth out the more oily spirits, and leaveth the liquor more sour and hard. We see also, that burnt wine is more hard and astringent than wine unburnt. It is said, that cider in navigations under the line ripeneth, when wine or beer soureth. It were good to set a rundlet of verjuice over against the sun in summer, as they do vinegar, to see whether it will ripen and sweeten.

Experiment solitary touching creatures that sleep all winter.

899. There be divers creatures that sleep all winter, as the bear, the hedge-hog, the bat, the bee, &c. These all wax fat when they sleep, and egest not. The cause of their fattening during their sleeping time, may be the want of assimilating; for whatsoever assimilateth not to flesh turneth either to sweat or fat. These creatures, for part of their sleeping time, have been observed not to stir at all; and for the other part, to stir, but not to remove. And they get warm and close places to sleep in. When the Flemings wintered in Nova Zembla, the bears about the middle of November went to sleep; and then the foxes began to come forth, which durst not before. It is noted by some of the ancients, that the she-bear breedeth, and lyeth in with her young, during that time of rest: and that a bear big with young hath seldom been seen.

Experiment solitary touching the generation of creatures by copulation, and by putrefaction.

900. Some living creatures are procreated by copulation between male and female: some by putrefaction: and of those which come by putrefaction, many do, nevertheless, afterwards procreate by copulation. For the cause of both generations: first, it is most certain, that the cause of all vivification is a gentle and proportionable heat, working upon a glutinous and yielding substance: for the heat doth bring forth spirit in that substance: and the substance being glutinous produceth two effects; the one, that the spirit is detained, and cannot break forth: the other, that the matter being gentle and yielding, is driven forwards by the motion of the spirits, after some swelling, into shape and members. Therefore all sperm, all menstruous substance, all matter whereof creatures are produced by putrefaction, have evermore a closeness, lentor, and sequacity. It seemeth therefore, that the generation by sperm only, and by putrefaction, have two different causes. The first is, for that creatures which have a definite and exact shape, as those have which are procreated by copulation, cannot be produced by a weak and casual heat; nor out of matter which is not exactly prepared according to the species. The second is, for that there is a greater time required for maturation of perfect creatures; for if the time required in vivification be of any length, then the spirits will exhale before the creature be mature; except it be enclosed in a place where it may have continuance of the heat, access of some nourishment to maintain it, and closeness that may keep it from exhaling: and such places are the wombs and matrices of the females. And therefore all creatures made of putrefaction are of more uncertain shape; and are made in shorter time; and need not so perfect an enclosure, though some closeness be commonly required. As for the heathen opinion, which was, that upon great mutations of the world, perfect creatures were first engendered of concretion; as well as frogs, and worms, and flies, and such like, are now; we know it to be vain: but if any such thing should be admitted, discoursing according to sense, it cannot be, except you admit of a chaos first, and commixture of heaven and earth. For the frame of the world, once in order, cannot affect it by any excess or casualty.

CENTURY X.

Experiments in consort touching the transmission and influx of immateriate virtues, and the force of imagination.

THE philosophy of Pythagoras, which was full of superstition, did first plant a monstrous imagination, which afterwards was, by the school of Plato and others, watered and nourished. It was, that the world was one entire perfect living creature; insomuch as Apollonius of Tyana, a Pythagorean prophet, affirmed, that the ebbing and flowing of the sea was the respiration of the world, drawing in water as breath, and putting it forth again. They went on, and inferred, that if the world were a living creature, it had a soul and spirit; which also they held, calling it spiritus mundi, the spirit or soul of the world: by which they did not intend God, for they did admit of a Deity besides, but only the soul or essential form of the universe. This foundation being laid, they might build upon it what they would; for in a living creature, though never so great, as for example, in a great whale, the sense and the affects of any one part of the body instantly make a transcursion throughout the whole body; so that by this they did insinuate, that no distance of place, nor want of indisposition of matter, could hinder magical operations; but that, for example, we might here in Europe have sense and feeling of that which was done in China; and likewise we might work any effect without and against matter; and this not holpen by the co-operation of angels or spirits, but only by the unity and harmony of nature. There were some also that staid not here; but went farther, and held, that if the spirit of man, whom they call the microcosm, do give a fit touch to the spirit of the world, by strong imaginations and beliefs, it might command nature; for Paracelsus, and some darksome authors of magic, do ascribe to imagination exalted the power of miracle-working faith. With these vast and bottomless follies men have been in part entertained.

But we, that hold firm to the works of God, and to the sense, which is God's lamp, "lucerna Dei spiraculum hominis," will inquire with all sobriety and severity, whether there be to be found in the footsteps of nature, any such transmission and influx of immateriate virtues; and what the force of imagination is; either upon the body imaginant, or upon another body: wherein it will be like that labour of Hercules, in purging the stable of Augeas, to separate from superstition and magical arts and observations, any thing that is clean and pure natural; and not to be either contemned or condemned. And although we shall have occasion to speak of this in more places than one, yet we will now make some entrance thereinto.

Experiments in consort, monitory, touching transmission of spirits, and the force of imagination.

901. Men are to be admonished that they do not withdraw credit from the operations by transmission of spirits, and force of imagination, because the effects fail sometimes. For as in infection, and contagion from body to body, as the plague, and the like, it is most certain that the infection is received, many times, by the body passive, but yet is, by the strength and good disposition thereof, repulsed and wrought out, before it be formed into a disease; so much more in impressions from mind to mind, or from spirit to spirit, the impression taketh, but is encountered and overcome by the mind and spirit, which is passive, before it work any manifest effect. And therefore they work most upon weak minds and spirits; as those of women, sick persons, superstitious and fearful persons, children, and young creatures:

"Nescio quis teneros oculus mihi fascinat agnos:"

The poet speaketh not of sheep, but of lambs. As for the weakness of the power of them upon kings and magistrates, it may be ascribed, besides the main, which is the protection of God over those that execute his place, to the weakness of the imagination of the imaginant: for it is hard for a witch or a sorcerer to put on a belief that they can hurt such persons.

902. Men are to be admonished, on the other side, that they do not easily give place and credit to these operations, because they succeed many times; for the cause of this success is oft to be truly ascribed unto the force of affection and imagination upon the body agent; and then by a secondary means it may work upon a diverse body: as for example, if a man carry a planet's seal, or a ring, or some part of a beast, believing strongly that it will help him to obtain his love; or to keep him from danger of hurt in fight; or to prevail in a suit, &c. it may make him more active and industrious: and again, more confident and persisting, than otherwise he would be. Now the great effects that may come of industry and perseverance, especially in civil business, who knoweth not? For we see audacity doth almost bind and mate the weaker sort of minds; and the state of human actions is so variable, that to try things oft, and never to give over, doth wonders: therefore it were a mere fallacy and mistaking to ascribe that to the force of imagination upon another body which is but the force of imagination upon the proper body; for there is no doubt but that imagination and vehement affection work greatly upon the body of the imaginant; as we shall show in due place.

903. Men are to be admonished, that as they are not to mistake the causes of these operations; so much less they are to mistake the fact or effect; and rashly to take that for done which is not done. And therefore, as divers wise judges have prescribed and cautioned, men may not too rashly believe the confessions of witches, nor yet the evidence against them. For the witches themselves are

imaginative, and believe ofttimes they do that which they do not: and people are credulous in that point, and ready to impute accidents and natural operations to witchcraft. It is worthy the observing, that both in ancient and late times, as in the Thessalian witches, and the meetings of witches that have been recorded by so many late confessions, the great wonders which they tell, of carrying in the air, transforming themselves into other bodies, &c. are still reported to be wrought, not by incantations or ceremonies, but by ointments, and anointing themselves all over. This may justly move a man to think that these fables are the effects of imagination: for it is certain that ointments do all, if they be laid on any thing thick, by stopping of the pores, shut in the vapours, and send them to the head extremely. And for the particular ingredients of those magical ointments, it is like they are opiate and soporiferous. For anointing of the forehead, neck, feet, backbone, we know, is used for procuring dead sleeps: and if any man say that this effect would be better done by inward potions; answer may be made, that the medicines which go to the ointments are so strong, that if they were used inwards, they would kill those that use them: and therefore they work potently, though outwards.

We will divide the several kinds of the operations by transmission of spirits and imagination, which will give no small light to the experiments that follow. All operations by transmission of spirits and imagination have this; that they work at distance, and not at touch; and they are these being distinguished.

904. The first is the transmission or emission of the thinner and more airy parts of bodies; as in odours and infections: and this is, of all the rest, the most corporeal.

But you must remember withal, that there be a number of those emissions, both wholesome and unwholesome, that give no smell at all: for the plague, many times when it is taken, giveth no scent at all: and there be many good and healthful airs that do appear by habitation and other proofs, that differ not in smell from other airs. And under this head you may place all imbibitions of air, where the substance is material, odour-like; whereof some nevertheless are strange, and very suddenly diffused; as the alteration which the air receiveth in Ægypt, almost immediately, upon the rising of the river of Nilus, whereof we have spoken.

905. The second is the transmission or emission of those things that we call spiritual species: as visibles and sounds; the one whereof we have touched, and the other we shall handle in due place. These move swiftly, and at great distance; but then they require a medium well disposed, and their transmission is easily stopped.

906. The third is the emissions, which cause attraction of certain bodies at distance; wherein though the loadstone be commonly placed in the first rank, yet we think good to except it, and refer it to another head: but the drawing of amber and jet, and other electric bodies, and the attraction in gold of the spirit of quick-silver at distance; and the attraction of heat at distance; and that of fire to naphtha; and that of some herbs to water, though at distance; and divers others; we shall handle, but yet not under this present title, but under the title of attraction in general.

907. The fourth is the emission of spirits, and immateriate powers and virtues, in those things which work by the universal configuration and sympathy of the world; not by forms, or celestial influxes, as is vainly taught and received, but by the primitive nature of matter, and the seeds of things. Of this kind is, as we yet suppose, the working of the loadstone, which is by consent with the globe of the earth: of this kind is the motion of gravity, which is by consent of dense bodies with the globe of the earth: of this kind is some disposition of bodies to rotation, and particularly from east to west: of which kind we conceive the main float and refloat of the sea is, which is by consent of the universe, as part of the diurnal motion. These immateriate virtues have this property differing from others; that the diversity of the medium hindereth them not; but they pass through all mediums, yet at determinate distances. And of these we shall speak, as they are incident to several titles.

908. The fifth is the emission of spirits; and this is the principal in our intention to handle now in this place; namely, the operation of the spirits of the mind of man upon other spirits: and this is of a double nature; the operations of the affections, if they be vehement; and the operation of the imagination, if it be strong. But these two are so coupled, as we shall handle them together; for when an envious or amorous aspect doth infect the spirits of another, there is joined both affection and imagination.

909. The sixth is, the influxes of the heavenly bodies, besides those two manifest ones, of heat and light. But these we will handle where we handle the celestial bodies and motions.

910. The seventh is the operations of sympathy, which the writers of natural magic have brought into an art or precept: and it is this; that if you desire to superinduce any virtue or disposition upon a person, you should take the living creature, in which that virtue is most eminent, and in perfection; of that creature you must take the parts wherein that virtue chiefly is collocate: again, you must take those parts in the time and act when that virtue is most in exercise; and then you must apply it to that part of man wherein that virtue chiefly consisteth. As if you would superinduce courage and fortitude, take a lion or a cock; and take the heart, tooth, or paw of the lion; or the heart or spur of the cock: take those parts immediately after the lion or the cock have been in fight; and let them be worn upon a man's heart or wrist. Of these and such like sympathies, we shall speak under this present title.

911. The eighth and last is, an emission of immateriate virtues; such as we are a little doubtful to propound, it is so prodigious; but that it is so constantly avouched by many: and we have set it down as a law to ourselves, to examine things to the bottom; and not to receive upon credit, or reject

upon improbabilities, until there hath passed a due examination. This is the sympathy of individuals; for as there is a sympathy of species, so it may be there is a sympathy of individuals: that is, that in things, or the parts of things that have been once contiguous or entire, there should remain a transmission of virtue from the one to the other: as between the weapon and the wound. Whereupon is blazed abroad the operation of unguentum teli: and so of a piece of lard, or stick of elder, &c. that if part of it be consumed or putrified, it will work upon the other part severed. Now we will pursue the instances themselves.

Experiments in consort touching emission of spirits in vapour or exhalation, odour-like.

912. The plague is many times taken without manifest sense, as hath been said. And they report, that where it is found, it hath a scent of the smell of a mellow apple; and, as some say, of May-flowers: and it is also received, that smells of flowers that are mellow and luscious, are ill for the plague; as white lilies, cowslips, and hyacinths.

913. The plague is not easily received by such as continually are about them that have the plague; as keepers of the sick, and physicians; nor again by such as take antidotes, either inward, as mithridate, juniper-berries, rue, leaf and seed, &c. or outward, as angelica, zedoary, and the like, in the mouth; tar, galbanum, and the like in perfume; nor again by old people, and such as are of a dry and cold complexion. On the other side, the plague taketh soonest hold of those that come out of a fresh air, and of those that are fasting, and of children; and it is likewise noted to go in a blood, more than to a stranger.

914. The most pernicious infection, next the plague, is the smell of the jail, when prisoners have been long, and close, and nastily kept; whereof we have had in our time experience twice or thrice; when both the judges that set upon the jail, and numbers of those that attended the business or were present, sickened upon it, and died. Therefore it were good wisdom, that in such cases the jail were aired before they be brought forth.

915. Out of question, if such foul smells be made by art, and by the hand, they consist chiefly of man's flesh or sweat putrified; for they are not those stinks which the nostrils straight abhor and expel, that are most pernicious; but such airs as have some similitude with man's body; and so insinuate themselves, and betray the spirits. There may be great danger in using such compositions, in great meetings of people within houses; as in churches, at arraignments, at plays and solemnities, and the like: for poisoning of air is no less dangerous than poisoning of water, which hath been used by the Turks in the wars, and was used by Emmanuel Comnenus towards the christians, when they passed through his country to the Holy Land. And these impoisonments of air are the more dangerous in meetings of people, because the much breath of people doth farther the reception of the infection; and therefore, where any such thing is feared, it were good those public places were perfumed, before the assemblies.

916. The empoisonment of particular persons by odours, hath been reported to be in perfumed gloves, or the like: and it is like, they mingle the poison that is deadly, with some smells that are sweet, which also maketh it the sooner received. Plagues also have been raised by anointings of the chinks of doors, and the like; not so much by the touch, as for that it is common for men, when they find any thing wet upon their fingers, to put them to their nose; which men therefore should take heed how they do. The best is, that these compositions of infectious airs cannot be made without danger of death to them that make them. But then again, they may have some antidotes to save themselves; so that men ought not to be secure of it.

917. There have been in divers countries great plagues by the putrefaction of great swarms of grasshoppers and locusts, when they have been dead and cast upon heaps.

918. It happeneth often in mines, that there are damps which kill, either by suffocation, or by the poisonous nature of the mineral: and those that deal much in refining, or other works about metals and minerals, have their brains hurt and stupified by the metalline vapours. Amongst which it is noted, that the spirits of quicksilver either fly to the skull, teeth, or bones; insomuch as gilders use to have a piece of gold in their mouth, to draw the spirits of the quicksilver; which gold afterwards they find to be whitened. There are also certain lakes and pits, such as that of Avernus, that poison birds, as is said, which fly over them, or men that stay too long about them.

919. The vapour of charcoal, or sea-coal, in a close room, hath killed many; and it is the more dangerous, because it cometh without any ill smell, but stealeth on by little and little, inducing only a faintness, without any manifest strangling. When the Dutchmen wintered at Nova Zembla, and that they could gather no more sticks, they fell to make fire of some sea-coal they had, wherewith, at first, they were much refreshed; but a little after they had set about the fire, there grew a general silence and lothness to speak amongst them; and immediately after, one of the weakest of the company fell down in a swoon; whereupon they doubting what it was, opened their door to let in air, and so saved themselves. The effect, no doubt, is wrought by the inspissation of the air; and so of the breath and spirits. The like ensueth in rooms newly plaistered, if a fire be made in them; whereof no less man than the emperor Jovinianus died.

920. Vide the experiment 803, touching the infectious nature of the air, upon the first showers, after a long drought.

921. It hath come to pass, that some apothecaries, upon stamping of colloquintida, have been put into a great scouring by the vapour only.

922. It hath been a practice to burn a pepper they call Guinea-pepper, which hath such a strong spirit, that it provoketh a continual sneezing in those that are in the room.

923. It is an ancient tradition, that blear-eyes infect sound eyes; and that a menstruous woman, looking upon a glass, doth rust it: nay, they have an opinion which seemeth fabulous, that menstruous women going over a field or garden, do corn and herbs good by killing the worms.

924. The tradition is no less ancient, that the basilisk killeth by aspect; and that the wolf, if he see a man first, by aspect striketh a man hoarse.

925. Perfumes convenient do dry and strengthen the brain, and stay rheums and defluxions, as we find in fume of rosemary dried, and lignum aloes; and calamus taken at the mouth and nostrils: and no doubt there be other perfumes that do moisten and refresh, and are fit to be used in burning agues, consumptions, and too much wakefulness; such as are rose-water, vinegar, lemon-peels, violets, the leaves of vines sprinkled with a little rose-water, &c.

926. They do use in sudden faintings and swoonings to put a handkerchief with rose-water or a little vinegar to the nose; which gathereth together again the spirits, which are upon point to resolve and fall away.

927. Tobacco comforteth the spirits, and discharageth weariness, which it worketh partly by opening, but chiefly by the opiate virtue, which condenseth the spirits. It were good therefore to try the taking of fumes by pipes, as they do in tobacco, of other things; as well to dry and comfort, as for other intentions. I wish trial be made of the drying fume of rosemary, and lignum aloes, beforementioned, in pipe; and so of nutmeg, and folium indum, &c.

928. The following of the plough hath been approved for refreshing the spirits and procuring appetite; but to do it in the ploughing for wheat or rye, is not so good, because the earth has spent her sweet breath in vegetables put forth in summer. It is better therefore to do it when you sow barley. But because ploughing is tied to seasons, it is best to take the air of the earth new turned up, by digging with the spade, or standing by him that digeth. Gentlewomen may do themselves much good by kneeling upon a cushion, and weeding. And these things you may practise in the best seasons; which is ever the early spring, before the earth putteth forth the vegetables, and in the sweetest earth you can choose. It would be done also when the dew is a little off the ground, lest the vapour be too moist. I knew a great man that lived long, who had a clean clod of earth brought to him every morning as he sat in his bed; and he would hold his head over it a good pretty while. I commend also, sometimes, in digging of new earth, to pour in some Malmsey or Greek wine, that the vapour of the earth and wine together may comfort the spirits the more; provided always it be not taken for a heathen sacrifice, or libation to the earth.

29. They have in physic use of pomanders, and knots of powders, for drying of rheums, comforting of the heart, provoking of sleep, &c. For though those things be not so strong as perfumes, yet you may have them continually in your hand; whereas perfumes you can take but at times: and besides, there be divers things that breathe better of themselves, than when they come to the fire; as nigella romana, the seed of melanthium, amomum, &c.

930. There be two things which, inwardly used, do cool and condense the spirits; and I wish the same to be tried outwardly in vapours. The one is nitre, which I would have dissolved in Malmsey, or Greek wine, and so the smell of the wine taken; or if you would have it more forcible, pour of it upon a firepan, well heated, as they do rose-water and vinegar. The other is the distilled water of wild poppy, which I wish to be mingled, at half, with rose-water, and so taken with some mixture of a few cloves in a perfuming-pan. The like would be done with the distilled water of saffron flowers.

931. Smells of musk, and amber, and civet, are thought to farther venereous appetite; which they may do by the refreshing and calling forth of the spirits.

932. Incense and nidorous smells, such as were of sacrifices, were thought to intoxicate the brain, and to dispose men to devotion: which they may do by a kind of sadness, and contristation of the spirits: and partly also by heating and exalting them. We see that amongst the Jews the principal perfume of the sanctuary was forbidden all common uses.

933. There be some perfumes prescribed by the writers of natural magic, which procure pleasant dreams: and some others, as they say, that procure prophetical dreams; as the seeds of flax, flea-wort, &c.

934. It is certain, that odours do, in a small degree, nourish; especially the odour of wine: and we see men an hungered do love to smell hot bread. It is related that Democritus, when he lay a dying, heard a woman in the house complain, that she should be kept from being at a feast and solemnity, which she much desired to see, because there would be a corpse in the house; whereupon he caused loaves of new bread to be sent for, and opened them, and poured a little wine into them; and so kept himself alive with the odour of them, till the feast was past. I knew a gentleman that would fast, sometimes three or four, yea, five days, without meat, bread, or drink; but the same man used to have continually a great wisp of herbs that he smelled on: and amongst those herbs, some esculent herbs of strong scent; as onions, garlic, leeks, and the like.

935. They do use, for the accident of the mother, to burn feathers and other things of ill odour: and by those ill smells the rising of the mother is put down.

936. There be airs which the physicians advise their patients to remove unto, in consumptions or upon recovery of long sicknesses: which, commonly, are plain champains, but grazing, and not over-grown with heath or the like; or else timber-shades, as in forests, and the like. It is noted also, that groves of bays do forbid pestilent airs; which was accounted a great cause of the wholesome air of Antiochia. There be also some soils that put forth odorate herbs of themselves; as wild thyme, wild marjoram, pennyroyal, camomile; and in which the brier roses smell almost like musk-roses; which, no doubt, are signs that do discover an excellent air.

937. It were good for men to think of having healthful air in their houses; which will never be if the rooms be low roofed, or full of windows and doors; for the one maketh the air close, and not fresh, and the other maketh it exceeding unequal; which is a great enemy to health. The windows also should not be high up to the roof, which is in use for beauty and magnificence, but low. Also stone-walls are not wholesome; but timber is more wholesome; and especially brick: nay, it hath been used by some with great success to make their walls thick; and to put a lay of chalk between the bricks, to take away all dampishness.

Experiment solitary touching the emission of spiritual species which affect the senses.

938. These emissions, as we said before, are handled, and ought to be handled by themselves under their proper titles: that is, visibles and audibles, each a part: in this place it shall suffice to give some general observations common to both. First, they seem to be incorporeal. Secondly, they work swiftly. Thirdly, they work at large distances. Fourthly, in curious varieties. Fifthly, they are not effective of any thing; nor leave no work behind them; but are energies merely: for their working upon mirrors and places of echo doth not alter any thing in those bodies; but it is the same action with the original, only repercussed. And as for the shaking of windows, or rarifying the air by great noises; and the heat caused by burning-glasses, they are rather concomitants of the audible and visible species, than the effects of them. Sixthly, they seem to be of so tender and weak a nature, as they affect only such a rare and attenuate substance, as is the spirit of living creatures.

Experiments in consort touching the emission of immateriate virtues from the minds and spirits of men, either by affections, or by imaginations, or by other impressions.

939. It is mentioned in some stories, that where children have been exposed, or taken away young from their parents; and that afterwards they have approached to their parents' presence, the parents, though they have not known them, have had a secret joy or other alteration thereupon.

940. There was an Ægyptian soothsayer, that made Antonius believe, that his genius, which otherwise was brave and confident, was in the presence of Octavianus Cæsar, poor and cowardly: and therefore he advised him to absent himself as much as he could, and remove far from him. This soothsayer was thought to be suborned by Cleopatra, to make him live in Ægypt, and other remote places from Rome. Howsoever the conceit of a predominant or mastering spirit of one man over another, is ancient, and received still, even in vulgar opinion.

941. There are conceits, that some men that are of an ill and melancholy nature, do incline the company into which they come to be sad and ill-disposed; and contrariwise, that others that are of a jovial nature, do dispose the company to be merry and cheerful. And again, that some men are lucky to be kept company with and employed: and others unlucky. Certainly, it is agreeable to reason, that there are at the least some light effluxions from spirit to spirit, when men are in presence one with another, as well as from body to body.

942. It hath been observed, that old men who have loved young company, and been conversant continually with them, have been of long life; their spirits, as it seemeth, being recreated by such company. Such were the ancient sophists and rhetoricians; which ever had young auditors and disciples; as Gorgias, Protagoras, Isocrates, &c. who lived till they were a hundred years old. And so likewise did many of the grammarians and schoolmasters; such as was Orbilius, &c.

943. Audacity and confidence doth, in civil business, so great effects, as a man may reasonably doubt, that besides the very daring, and earnestness, and persisting, and importunity, there should be some secret binding, and stooping of other men's spirits to such persons.

944. The affections, no doubt, do make the spirits more powerful and active; and especially those affections which draw the spirits into the eyes: which are two; love, and envy, which is called oculus malus. As for love, the Platonists, some of them, go so far as to hold that the spirit of the lover doth pass into the spirits of the person loved; which causeth the desire of return into the body whence it was emitted: whereupon followeth that appetite of contact and conjunction which is in lovers. And this is observed likewise, that the aspects which procure love, are not gazings, but sudden glances and dartings of the eye. As for envy, that emitteth some malign and poisonous spirit, which taketh hold of the spirit of another; and is likewise of greatest force when the cast of the eye is oblique. It hath been noted also, that it is most dangerous when an envious eye is cast upon persons in glory, and triumph, and joy. The reason whereof is, for that at such times the spirits come forth most into the outward parts, and so meet the percussion of the envious eye more at hand: and therefore it hath been noted, that after great triumphs, men have been ill-disposed for some days following. We see the opinion of fascination is ancient, for both effects; of procuring love; and sickness caused by envy: and fascination is ever by the eye. But yet if there be any such infection from spirit to spirit, there is no doubt but that it worketh by presence, and not by the eye alone; yet most forcibly by the eye.

945. Fear and shame are likewise infective: for we see that the starting of one will make another ready to start: and when one man is out of countenance in a company, others do likewise blush in his behalf.

Now we will speak of the force of imagination upon other bodies; and of the means to excite and strengthen it. Imagination, in this place, we understand to be, the representation of an individual thought. Imagination is of three kinds: the first joined with belief of that which is to come; the

second joined with memory of that which is past; and the third is of things present, or as if they were present; for I comprehend in this, imaginations feigned, and at pleasure; as if one should imagine such a man to be in the vestments of a pope, or to have wings. I single out, for this time, that which is with faith or belief of that which is to come. The inquisition of this subject in our way, which is by induction, is wonderful hard: for the things that are reported are full of fables; and new experiments can hardly be made, but with extreme caution; for the reason which we will hereafter declare.

The power of imagination is of three kinds; the first upon the body of the imaginant, including likewise the child in the mother's womb; the second is, the power of it upon dead bodies, as plants, wood, stone, metal, &c.; the third is, the power of it upon the spirits of men and living creatures: and with this last we will only meddle.

The problem therefore is, whether a man constantly and strongly believing that such a thing shall be, as that such a one will love him; or that such a one will grant him his request; or that such a one shall recover a sickness; or the like; it doth help any thing to the effecting of the thing itself. And here again we must warily distinguish; for it is not meant, as hath been partly said before, that it should help by making a man more stout, or more industrious, in which kind a constant belief doth much, but merely by a secret operation, or binding, or changing the spirit of another: and in this it is hard, as we began to say, to make any new experiment; for I cannot command myself to believe what I will, and so no trial can be made. Nay, it is worse; for whatsoever a man imagineth doubtingly, or with fear, must needs do hurt, if imagination have any power at all; for a man representeth that oftener that he feareth, than the contrary.

The help therefore is, for a man to work by another, in whom he may create belief, and not by himself; until himself have found by experience, that imagination doth prevail; for then experience worketh in himself belief; if the belief that such a thing shall be, be joined with a belief that his imagination may procure it.

946. For example; I related one time to a man that was curious and vain enough in these things, that I saw a kind of juggler, that had a pair of cards, and would tell a man what card he thought. This pretended learned man told me, it was a mistaking in me; "for," said he, "it was not the knowledge of the man's thought, for that is proper to God, but it was the enforcing of a thought upon him, and binding his imagination by a stronger, that he could think no other card." And thereupon he asked me a question or two, which I thought he did but cunningly, knowing before what used to be the feats of the juggler. "Sir," said he, "do you remember whether he told the card the man thought, himself, or bade another to tell it?" I answered, as was true, that he bade another tell it. Whereunto he said, "So I thought: for," said he, "himself could not have put on so strong an imagination; but by telling the other the card, who believed that the juggler was some strange man, and could do strange things, that other man caught a strong imagination." I hearkened unto him, thinking for a vanity he spoke prettily. Then he asked me another question: saith he, "Do you remember, whether he bade the man think the card first, and afterwards told the other man in his ear what he should think; or else that he did whisper first in the man's ear that should tell the card, telling that such a man should think such a card, and after bade the man think a card?" I told him, as was true, that he did first whisper the man in the ear, that such a man should think such a card: upon this the learned man did much exult and please himself, saying; "Lo, you may see that my opinion is right: for if the man had thought first, his thought had been fixed; but the other imagining first, bound his thought." Which though it did somewhat sink with me, yet I made it lighter than I thought and said; I thought it was confederacy between the juggler and the two servants; though, indeed, I had no reason so to think, for they were both my father's servants; and he had never played in the house before. The juggler also did cause a garter to be held up; and took upon him to know, that such a one should point in such a place of the garter; as it should be near so many inches to the longer end, and so many to the shorter; and still he did it, by first telling the imaginer, and after bidding the actor think.

Having told this relation, not for the weight thereof, but because it doth handsomely open the nature of the question, I return to that I said; that experiments of imagination must be practised by others, and not by a man's self. For there be three means to fortify belief: the first is experience; the second is reason; and the third is authority: and that of these which is far the most potent, is authority; for belief upon reason, or experience, will stagger.

947. For authority, it is of two kinds; belief in an art; and belief in a man. And for things of belief in an art, a man may exercise them by himself; but for belief in a man, it must be by another. Therefore if a man believe in astrology, and find a figure prosperous; or believe in natural magic, and that a ring with such a stone, or such a piece of a living creature, carried, will do good; it may help his imagination: but the belief in a man is far the more active. But howsoever, all authority must be out of a man's self, turned, as was said, either upon an art or upon a man: and where authority is from one man to another, there the second must be ignorant, and not learned, or full of thoughts; and such are, for the most part, all witches and superstitious persons; whose beliefs, tied to their teachers and traditions, are no whit controlled either by reason or experience; and upon the same reason, in magic, they use for the most part boys and young people, whose spirits easiliest take belief and imagination.

Now to fortify imagination, there be three ways: the authority whence the belief is derived; means to quicken and corroborate the imagination; and means to repeat it and refresh it.

948. For the authority, we have already spoken

as for the second, namely, the means to quicken and corroborate the imagination; we see what hath been used in magic, if there be in those practices any thing that is purely natural, as vestments, characters, words, seals; some parts of plants, or living creatures; stones; choice of the hour: gestures and motions; also incenses and odours; choice of society, which increaseth imagination; diets and preparations for some time before. And for words, there have been ever used, either barbarous words, of no sense, lest they should disturb the imagination; or words of similitude, that may second and feed the imagination; and this was ever as well in heathen charms, as in charms of latter times. There are used also Scripture words; for that the belief that religious texts and words have power, may strengthen the imagination. And for the same reason, hebrew words, which amongst us is counted the holy tongue, and the words more mystical, are often used.

949. For the refreshing of the imagination, which was the third means of exalting it, we see the practices of magic, as in images of wax, and the like, that should melt by little and little; or some other things buried in muck, that should putrify by little and little; or the like: for so oft as the imaginant doth think of those things, so oft doth he represent to his imagination the effect of that he desireth.

950. If there be any power in imagination, it is less credible that it should be so incorporeal, and immateriate a virtue, as to work at great distances, or through all mediums, or upon all bodies: but that the distance must be competent, the medium not adverse, and the body apt and proportionate. Therefore if there be any operation upon bodies in absence by nature, it is like to be conveyed from man to man, as fame is; as if a witch, by imagination, should hurt any afar off, it cannot be naturally: but by working upon the spirit of some that cometh to the witch; and from that party upon the imagination of another; and so upon another; till it come to one that hath resort to the party intended; and so by him to the party intended himself. And although they speak, that it sufficeth to make a point, or a piece of the garment, or the name of the party, or the like; yet there is less credit to be given to those things, except it be by working of evil spirits.

The experiments, which may certainly demonstrate the power of imagination upon other bodies, are few or none: for the experiments of witchcraft are no clear proofs; for that they may be by a tacit operation of malign spirits: we shall therefore be forced, in this inquiry, to resort to new experiments; wherein we can give only directions of trials, and not any positive experiments. And if any man think that we ought to have stayed till we had made experiment of some of them ourselves, as we do commonly in other titles, the truth is, that these effects of imagination upon other bodies have so little credit with us, as we shall try them at leisure; but in the mean time we will lead others the way.

951. When you work by the imagination of another, it is necessary that he, by whom you work, have a precedent opinion of you that you can do strange things; or that you are a man of art, as they call it; for else the simple affirmation to another, that this or that shall be, can work but a weak impression in his imagination.

952. It were good, because you cannot discern fully of the strength of imagination in one man more than another, that you did use the imagination of more than one, that so you may light upon a strong one. As if a physician should tell three or four of his patient's servants, that their master shall surely recover.

953. The imagination of one that you shall use, such is the variety of men's minds, cannot be always alike constant and strong; and if the success follow not speedily, it will faint and lose strength. To remedy this, you must pretend to him, whose imagination you use, several degrees of means, by which to operate: as to prescribe him that every three days, if he find not the success apparent, he do use another root, or part of a beast or ring, &c. as being of more force; and if that fail, another; and if that, another, till seven times. Also you must prescribe a good large time for the effect you promise; as if you should tell a servant of a sick man that his master shall recover, but it will be fourteen days ere he findeth it apparently, &c. All this to entertain the imagination that it waver less.

954. It is certain, that potions, or things taken into the body; incenses and perfumes taken at the nostrils; and ointments of some parts, do naturally work upon the imagination of him that taketh them. And therefore it must needs greatly co-operate with the imagination of him whom you use, if you prescribe him, before he do use the receipt, for the work which he desireth, that he do take such a pill, or a spoonful of liquor; or burn such an incense; or anoint his temples, or the soles of his feet, with such an ointment or oil: and you must choose, for the composition of such pill, perfume, or ointment, such ingredients as do make the spirits a little more gross or muddy; whereby the imagination will fix the better.

955. The body passive, and to be wrought upon, I mean not of the imaginant, is better wrought upon, as hath been partly touched, at some times than at others: as if you should prescribe a servant about a sick person, whom you have possessed that his master shall recover, when his master is fast asleep, to use such a root, or such a root. For imagination is like to work better upon sleeping men, than men awake: as we shall show when we handle dreams.

956. We find in the art of memory, that images visible work better than other conceits: as if you would remember the word philosophy, you shall more surely do it, by imagining, that such a man for men are best places, is reading upon Aristotle's "Physics:" than if you should imagine him to say "I'll go study philosophy." And therefore this observation would be translated to the subject we now speak of: for the more lustrous the imagination is, it filleth and fixeth the better. And therefore I conceive, that you shall, in that experiment, whereof

we spake before, of binding of thoughts, less fail, if you tell one that such a one shall name one of twenty men, than if it were one of twenty cards. The experiment of binding of thoughts would be diversified and tried to the full: and you are to note, whether it hit for the most part, though not always.

957. It is good to consider, upon what things imagination hath most force: and the rule, as I conceive, is, that it hath most force upon things that have the lightest and easiest motions. And therefore above all, upon the spirits of men: and in them, upon such affections as move lightest; as upon procuring of love; binding of lust, which is ever with imagination; upon men in fear; or men in irresolution; and the like. Whatsoever is of this kind would be throughly inquired. Trials likewise would be made upon plants, and that diligently: as if you should tell a man, that such a tree would die this year; and will him at these and these times to go unto it, to see how it thriveth. As for inanimate things, it is true, that the motions of shuffling of cards, or casting of dice, are very light motions: and there is a folly very usual, that gamesters imagine, that some that stand by them bring them ill luck. There would be trial also made, of holding a ring by a thread in a glass, and telling him that holdeth it, before, that it shall strike so many times against the side of the glass, and no more; or of holding a key between two men's fingers, without a charm; and to tell those that hold it, that at such a name it shall go off their fingers: for these two are extreme light motions. And howsoever I have no opinion of these things, yet so much I conceive to be true; that strong imagination hath more force upon things living, or that have been living, than things merely inanimate: and more force likewise upon light and subtile motions, than upon motions vehement or ponderous.

958. It is a usual observation, that if the body of one murdered be brought before the murderer, the wounds will bleed afresh. Some do affirm, that the dead body, upon the presence of the murderer, hath opened the eyes; and that there have been such like motions, as well where the parties murdered have been strangled or drowned, as where they have been killed by wounds. It may be, that this participateth of a miracle, by God's just judgment, who usually bringeth murders to light: but if it be natural, it must be referred to imagination.

959. The tying of the point upon the day of marriage, to make men impotent towards their wives, which, as we have formerly touched, is so frequent in Zant and Gascony, if it be natural, must be referred to the imagination of him that tieth the point. I conceive it to have the less affinity with witchcraft, because not peculiar persons only, such as witches are, but any body may do it.

Experiments in consort touching the secret virtue of sympathy and antipathy.

960. There be many things that work upon the spirits of man by secret sympathy and antipathy: the virtues of precious stones worn, have been anciently and generally received, and curiously assigned to work several effects. So much is true; that stones have in them fine spirits, as appeareth by their splendour; and therefore they may work by consent upon the spirits of men, to comfort and exhilarate them. Those that are the best, for that effect, are the diamond, the emerald, the hyacinth oriental, and the gold stone, which is the yellow topaz. As for their particular proprieties, there is no credit to be given to them. But it is manifest, that light, above all things, excelleth in comforting the spirits of men: and it is very probable, that light varied doth the same effect, with more novelty. And this is one of the causes why precious stones comfort. And therefore it were good to have tincted lanthorns, or tincted screens, of glass coloured into green, blue, carnation, crimson, purple, &c. and to use them with candles in the light. So likewise to have round glasses, not only of glass coloured through, but with colours laid between crystals, with handles to hold in one's hand. Prisms are also comfortable things. They have of Paris-work, looking-glasses, bordered with broad borders of small crystal, and great counterfeit precious stones, of all colours, that are most glorious and pleasant to behold; especially in the night. The pictures of Indian feathers are likewise comfortable and pleasant to behold. So also fair and clear pools do greatly comfort the eyes and spirits, especially when the sun is not glaring, but over-cast; or when the moon shineth.

961. There be divers sorts of bracelets fit to comfort the spirits; and they be of three intentions; refrigerant, corroborant, and aperient. For refrigerant, I wish them to be of pearl, or of coral, as is used; and it hath been noted that coral, if the party that weareth it be indisposed, will wax pale; which I believe to be true, because otherwise distemper of heat will make coral lose colour. I commend also beads, or little plates of lapis lazuli; and beads of nitre, either alone, or with some cordial mixture.

962. For corroboration and confortation, take such bodies as are of astringent quality, without manifest cold. I commend bead-amber, which is full of astriction, but yet is unctuous, and not cold; and is conceived to impinguate those that wear such beads; I commend also beads of hartshorn and ivory; which are of the like nature; also orange beads; also beads of lignum aloës, macerated first in rose-water, and dried.

963. For opening, I commend beads, or pieces of the roots of carduus benedictus: also the roots of piony the male; and of orrice; and of calamus aromaticus; and of rue.

964. The cramp no doubt cometh of contraction of sinews; which is manifest, in that it cometh either by cold or dryness; as after consumptions, and long agues; for cold and dryness do, both of them, contract and corrugate. We see also, that chafing a little above the place in pain, easeth the cramp; which is wrought by the dilatation of the contracted sinews by heat. There are in use for the prevention of the cramp, two things; the one, rings of seahorse teeth worn upon the fingers; the other, bands of green periwinkle, the herb, tied about the calf of the

leg, or the thigh, &c. where the cramp useth to come. I do find this the more strange, because neither of these have any relaxing virtue, but rather the contrary. I judge therefore, that their working is rather upon the spirits, within the nerves, to make them strive less, than upon the bodily substance of the nerves.

965. I would have trial made of two other kinds of bracelets, for comforting the heart and spirits: the one of the trochisk of vipers, made into little pieces of beads; for since they do great good inwards, especially for pestilent agues, it is like they will be effectual outwards; where they may be applied in greater quantity. There would be trochisk likewise made of snakes; whose flesh dried is thought to have a very opening and cordial virtue. The other is, of beads made of the scarlet powder, which they call kermes; which is the principal ingredient in their cordial confection alkermes: the beads would be made up with ambergrease, and some pomander.

966. It hath been long received and confirmed by divers trials, that the root of the male piony dried, tied to the neck, doth help the falling sickness; and likewise the incubus, which we call the mare. The cause of both these diseases, and especially of the epilepsy from the stomach, is the grossness of the vapours which rise and enter into the cells of the brain: and therefore the working is by extreme and subtile attenuation; which that simple hath. I judge the like to be in castoreum, musk, rue seed, agnus castus seed, &c.

967. There is a stone which they call the bloodstone, which worn is thought to be good for them that bleed at the nose: which, no doubt, is by astriction and cooling of the spirits. *Query*, if the stone taken out of the toad's head, be not of the like virtue; for the toad loveth shade and coolness.

968. Light may be taken from the experiment of the horse-tooth ring, and the garland of periwinkle, how that those things which assuage the strife of the spirits, do help diseases contrary to the intention desired: for in the curing of the cramp, the intention is to relax the sinews; but the contraction of the spirits that they strive less, is the best help: so to procure easy travails of women, the intention is to bring down the child; but the best help is, to stay the coming down too fast: whereunto they say, the toad-stone likewise helpeth. So in pestilent fevers, the intention is to expel the infection by sweat and evaporation: but the best means to do it is by nitre, diascordium, and other cool things, which do for a time arrest the expulsion, till nature can do it more quietly. For as one saith prettily; "In the quenching of the flame of a pestilent ague, nature is like people that come to quench the fire of a house; which are so busy, as one of them letteth another." Surely it is an excellent axiom, and of manifold use, that whatsoever appeaseth the contention of the spirits, farthereth their action.

969. The writers of natural magic commend the wearing of the spoil of a snake, for preserving of health. I doubt it is but a conceit: for that the snake is thought to renew her youth, by casting her spoil. They might as well take the beak of an eagle, or a piece of a hart's horn, because those renew.

970. It hath been anciently received, for Pericles the Athenian used it, and it is yet in use, to wear little bladders of quicksilver, or tablets of arsenic, as preservatives against the plague: not as they conceive for any comfort they yield to the spirits, but for that being poisons themselves, they draw the venom to them from the spirits.

971. Vide the experiments 95, 96, and 97, touching the several sympathies and antipathies for medicinal use.

972. It is said, that the guts or skin of a wolf, being applied to the belly, do cure the colic. It is true, that the wolf is a beast of great edacity and digestion; and so it may be the parts of him comfort the bowels.

973. We see scare-crows are set up to keep birds from corn and fruit; it is reported by some, that the head of a wolf, whole, dried, and hanged up in a dove-house, will scare away vermin; such as are weasels, pole-cats, and the like. It may be the head of a dog will do as much; for those vermin with us know dogs better than wolves.

974. The brains of some creatures, when their heads are roasted, taken in wine, are said to strengthen the memory; as the brains of hares, brains of hens, brains of deers, &c. And it seemeth to be incident to the brains of those creatures that are fearful.

975. The ointment that witches use, is reported to be made of the fat of children digged out of their graves; of the juices of smallage, wolf-bane, and cinque-foil, mingled with the meal of fine wheat. But I suppose, that the soporiferous medicines are likest to do it; which are henbane, hemlock, mandrake, moonshade, tobacco, opium, saffron, poplar leaves, &c.

976. It is reported by some, that the affections of beasts when they are in strength do add some virtue unto inanimate things; as that the skin of a sheep devoured by a wolf, moveth itching; that a stone bitten by a dog in anger, being thrown at him, drunk in powder, provoketh choler.

977. It hath been observed, that the diet of women with child doth work much upon the infant; as if the mother eat quinces much, and coriander-seed, the nature of both which is to repress and stay vapours that ascend to the brain, it will make the child ingenious; and on the contrary side, if the mother eat much onions or beans, or such vaporous food; or drink wine or strong drink immoderately; or fast much; or be given to much musing: all which send or draw vapours to the head; it endangereth the child to become lunatic, or of imperfect memory: and I make the same judgment of tobacco often taken by the mother.

978. The writers of natural magic report, that the heart of an ape, worn near the heart, comforteth the heart, and increaseth audacity. It is true that the ape is a merry and bold beast. And that the same heart likewise of an ape, applied to the neck

or head, helpeth the wit; and is good for the falling sickness: the ape also is a witty beast, and hath a dry brain; which may be some cause of attenuation of vapours in the head. Yet it is said to move dreams also. It may be the heart of a man would do more, but that it is more against men's minds to use it; except it be in such as wear the reliques of saints.

979. The flesh of a hedge-hog, dressed and eaten, is said to be a great drier: it is true that the juice of a hedge-hog must needs be harsh and dry, because it putteth forth so many prickles: for plants also that are full of prickles are generally dry; as briers, thorns, berberries; and therefore the ashes of an hedge-hog are said to be a great desiccative of fistulas.

980. Mummy hath great force in stanching of blood; which, as it may be ascribed to the mixture of balms that are glutinous; so it may also partake of a secret propriety, in that the blood draweth man's flesh. And it is approved that the moss which groweth upon the skull of a dead man unburied, will stanch blood potently: and so do the dregs or powder of blood, severed from the water, and dried.

981. It hath been practised, to make white swallows, by anointing of the eggs with oil. Which effect may be produced, by the stopping of the pores of the shell, and making the juice that putteth forth the feathers afterwards more penurious. And it may be, the anointing of the eggs will be as effectual as the anointing of the body; of which vide the experiment 93.

982. It is reported, that the white of an egg, or blood mingled with salt-water, doth gather the saltness, and maketh the water sweeter. This may be by adhesion; as in the sixth experiment of clarification: it may be also, that blood, and the white of an egg, which is the matter of a living creature, have some sympathy with salt: for all life hath a sympathy with salt. We see that salt laid to a cut finger healeth it; so as it seemeth salt draweth blood, as well as blood draweth salt.

983. It hath been anciently received, that the sea-air hath an antipathy with the lungs, if it cometh near the body, and erodeth them. Whereof the cause is conceived to be, a quality it hath of heating the breath and spirits; as cantharides have upon the watery parts of the body, as urine and hydropical water. And it is a good rule, that whatsoever hath an operation upon certain kinds of matters, that, in man's body, worketh most upon those parts wherein that kind of matter aboundeth.

984. Generally that which is dead, or corrupted, or excerned, hath antipathy with the same thing when it is alive, and when it is sound; and with those parts which do excern: as a carcass of man is most infectious and odious to man; a carrion of a horse to a horse, &c.; purulent matter of wounds, and ulcers, carbuncles, pocks, scabs, leprosy, to sound flesh; and the excrement of every species to that creature that excerneth them: but the excrements are less pernicious than the corruptions.

985. It is a common experience, that dogs know the dog-killer; when, as in times of infection, some petty fellow is sent out to kill the dogs; and that though they have never seen him before, yet they will all come forth, and bark and fly at him.

986. The relations touching the force of imagination, and the secret instincts of nature, are so uncertain, as they require a great deal of examination ere we conclude upon them. I would have it first throughly inquired, whether there be any secret passages of sympathy between persons of near blood; as parents, children, brothers, sisters, nurse-children, husbands, wives, &c. There be many reports in history, that upon the death of persons of such nearness, men have had an inward feeling of it. I myself remember, that being in Paris, and my father dying in London, two or three days before my father's death, I had a dream, which I told to divers English gentlemen, that my father's house in the country was plastered all over with black mortar. There is an opinion abroad, whether idle or no I cannot say, that loving and kind husbands have a sense of their wives breeding children, by some accident in their own body.

987. Next to those that are near in blood, there may be the like passage, and instincts of nature, between great friends and enemies: and sometimes the revealing is unto another person, and not to the party himself. I remember Philippus Commineus, a grave writer, reporteth, that the archbishop of Vienna, a reverend prelate, said one day after mass to king Lewis the eleventh of France: "Sir, your mortal enemy is dead;" what time duke Charles of Burgundy was slain at the battle of Granson against the Switzers. Some trial also would be made, whether pact or agreement do any thing; as if two friends should agree, that such a day in every week, they, being in far distant places, should pray one for another; or should put on a ring or tablet one for another's sake; whether if one of them should break their vow and promise, the other should have any feeling of it in absence.

988. If there be any force in imaginations and affections of singular persons, it is probable the force is much more in the joint imaginations and affections of multitudes: as if a victory should be won or lost in remote parts, whether is there not some sense thereof in the people whom it concerneth; because of the great joy or grief that many men are possessed with at once? Pius Quintus, at the very time when that memorable victory was won by the christians against the Turks, at the naval battle of Lepanto, being then hearing of causes in consistory, brake off suddenly, and said to those about him, "It is now more time we should give thanks to God for the great victory he hath granted us against the Turks:" it is true, that victory had a sympathy with his spirit; for it was merely his work to conclude that league. It may be that revelation was divine; but what shall we say then to a number of examples amongst the Grecians and Romans? where the people being in theatres at plays, have had news of victories and overthrows, some few days before any messenger could come.

It is true, that that may hold in these things, which is the general root of superstition: namely,

that men observe when things hit, and not when they miss; and commit to memory the one, and forget and pass over the other. But touching divination, and the misgiving of minds, we shall speak more when we handle in general the nature of minds, and souls, and spirits.

989. We have given formerly some rules of imagination; and touching the fortifying of the same. We have set down also some few instances and directions, of the force of imagination upon beasts, &c. upon plants, and upon inanimate bodies: wherein you must still observe, that your trials be upon subtle and light motions, and not the contrary; for you will sooner by imagination bind a bird from singing than from eating or flying: and I leave it to every man to choose experiments which himself thinketh most commodious; giving now but a few examples of every of the three kinds.

990. Use some imaginant, observing the rules formerly prescribed, for binding of a bird from singing; and the like of a dog from barking. Try also the imagination of some, whom you shall accommodate with things to fortify it, in cock-fights, to make one cock more hardy, and the other more cowardly. It would be tried also in flying of hawks, or in coursing of a deer, or hare, with grey-hounds: or in horse races; and the like comparative motions: for you may sooner by imagination quicken or slack a motion, than raise or cease it; as it is easier to make a dog go slower, than to make him stand still, that he may not run.

991. In plants also you may try the force of imagination upon the lighter sort of motions: as upon the sudden fading, or lively coming up of herbs; or upon their bending one way or other; or upon their closing and opening, &c.

992. For inanimate things, you may try the force of imagination, upon staying the working of beer when the barm is put in; or upon the coming of butter or cheese, after the churning, or the rennet be put in.

993. It is an ancient tradition every where alleged, for example of secret proprieties and influxes, that the torpedo marina, if it be touched with a long stick, doth stupify the hand of him that toucheth it. It is one degree of working at a distance, to work by the continuance of a fit medium; as sound will be conveyed to the ear by striking upon a bow-string, if the horn of the bow be held to the ear.

994. The writers of natural magic do attribute much to the virtues that come from the parts of living creatures; so as they be taken from them, the creatures remaining still alive: as if the creatures still living did infuse some immateriate virtue and vigour into the part severed. So much may be true; that any part taken from a living creature newly slain, may be of greater force than if it were taken from the like creature dying of itself, because it is fuller of spirit.

995. Trial would be made of the like parts of individuals in plants and living creatures; as to cut off a stock of a tree, and to lay that which you cut off to putrify, to see whether it will decay the rest of the stock: or if you should cut off part of the tail or leg of a dog or a cat, and lay it to putrify, and so see whether it will fester, or keep from healing, the part which remaineth.

996. It is received, that it helpeth to continue love, if one wear a ring, or a bracelet, of the hair of the party beloved. But that may be by the exciting of the imagination: and perhaps a glove, or other like favour, may as well do it.

997. The sympathy of individuals, that have been entire, or have touched, is of all others the most incredible; yet according unto our faithful manner of examination of nature, we will make some little mention of it. The taking away of warts by rubbing them with somewhat that afterwards is put to waste and consume, is a common experiment; and I do apprehend it the rather because of my own experience. I had from my childhood a wart upon one of my fingers: afterwards, when I was about sixteen years old, being then at Paris, there grew upon both my hands a number of warts, at the least a hundred, in a month's space. The English ambassador's lady, who was a woman far from superstition, told me one day, she would help me away with my warts: whereupon she got a piece of lard with the skin on, and rubbed the warts all over with the fat side; and amongst the rest, that wart which I had had from my childhood: then she nailed the piece of lard, with the fat towards the sun, upon a post of her chamber window, which was to the south. The success was, that within five weeks space all the warts went quite away: and that wart which I had so long endured, for company. But at the rest I did little marvel, because they came in a short time, and might go away in a short time again: but the going away of that which had stayed so long doth yet stick with me. They say the like is done by the rubbing of warts with a green elder stick, and then burying the stick to rot in muck. It would be tried with corns and wens, and such other excrescences. I would have it also tried with some parts of living creatures that are nearest the nature of excrescences; as the combs of cocks, the spurs of cocks, the horns of beasts, &c. And I would have it tried both ways; both by rubbing those parts with lard, or elder, as before; and by cutting off some piece of those parts, and laying it to consume: to see whether it will work any effect towards the consumption of that part which was once joined with it.

998. It is constantly received and avouched, that the anointing of the weapon that maketh the wound, will heal the wound itself. In this experiment, upon the relation of men of credit, though myself, as yet, am not fully inclined to believe it, you shall note the points following: first, the ointment wherewith this is done is made of divers ingredients; whereof the strangest and hardest to come by, are the moss upon the skull of a dead man unburied; and the fats of a boar and a bear killed in the act of generation. These two last I could easily suspect to be prescribed as a starting-hole; that if the experiment proved not, it might be pretended that the beasts were not killed in the due time; for as for the moss, it is certain there is great quantity of it in Ireland,

upon slain bodies, laid on heaps unburied. The other ingredients are, the blood-stone in powder, and some other things, which seem to have a virtue to stanch blood; as also the moss hath. And the description of the whole ointment is to be found in the chemical dispensatory of Crollius. Secondly, the same kind of ointment applied to the hurt itself worketh not the effect; but only applied to the weapon. Thirdly, which I like well, they do not observe the confecting of the ointment under any certain constellation; which commonly is the excuse of magical medicines when they fail, that they were not made under a fit figure of heaven. Fourthly, it may be applied to the weapon, though the party hurt be at great distance. Fifthly, it seemeth the imagination of the party to be cured is not needful to concur; for it may be done without the knowledge of the party wounded: and thus much has been tried, that the ointment, for experiment's sake, hath been wiped off the weapon, without the knowledge of the party hurt, and presently the party hurt has been in great rage of pain, till the weapon was reanointed. Sixthly, it is affirmed, that if you cannot get the weapon, yet if you put an instrument of iron or wood, resembling the weapon, into the wound, whereby it bleedeth, the anointing of that instrument will serve and work the effect. This I doubt should be a device to keep this strange form of cure in request and use: because many times you cannot come by the weapon itself. Seventhly, the wound must be at first washed clean with white wine, or the party's own water; and then bound up close in fine linen, and no more dressing renewed till it be whole. Eighthly, the sword itself must be wrapped up close, as far as the ointment goeth, that it taketh no wind. Ninthly, the ointment, if you wipe it off from the sword and keep it, will serve again; and rather increase in virtue than diminish. Tenthly, it will cure in far shorter time than ointments of wounds commonly do. Lastly, it will cure a beast as well as a man; which I like best of all the rest, because it subjecteth the matter to an easy trial.

Experiment solitary touching secret proprieties.

999. I would have men know, that though I reprehend the easy passing over the causes of things, by ascribing them to secret and hidden virtues, and proprieties, for this hath arrested and laid asleep all true inquiry and indications, yet I do not understand, but that in the practical part of knowledge, much will be left to experience and probation, whereunto indication cannot so fully reach: and this not only in specie, but in individuo. So in physic; if you will cure the jaundice, it is not enough to say, that the medicine must not be cooling; for that will hinder the opening which the disease requireth: that it must not be hot; for that will exasperate choler: that it must go to the gall; for there is the obstruction which causeth the disease, &c. But you must receive from experience that powder of Chamæpytis, or the like, drunk in beer, is good for the jaundice. So again, a wise physician doth not continue still the same medicine to a patient; but he will vary, if the first medicine doth not apparently succeed: for of those remedies that are good for the jaundice, stone, agues, &c. that will do good in one body which will not do good in another; according to the correspondence the medicine hath to the individual body.

Experiment solitary touching the general sympathy of men's spirits.

1000. The delight which men have in popularity, fame, honour, submission and subjection of other men's minds, wills, or affections, although these things may be desired for other ends, seemeth to be a thing in itself, without contemplation of consequence, grateful and agreeable to the nature of man. This thing, surely, is not without some signification, as if all spirits and souls of men came forth out of one divine limbus; else why should men be so much affected with that which others think or say? The best temper of minds desireth good name and true honour: the lighter, popularity and applause: the more depraved, subjection and tyranny; as is seen in great conquerors and troublers of the world: and yet more in arch-heretics; for the introducing of new doctrines is likewise an affectation of tyranny over the understandings and beliefs of men.

NEW ATLANTIS.

A WORK UNFINISHED.

TO THE READER.

This fable my lord devised, to the end that he might exhibit therein a model or description of a college, instituted for the interpreting of nature, and the producing of great and marvellous works, for the benefit of men; under the name of Solomon's House, or the College of the Six Days' Works. And even so far his lordship hath proceeded, as to finish that part. Certainly the model is more vast and high, than can possibly be imitated in all things; notwithstanding most things therein are within men's power to effect. His lordship thought also in this present fable, to have composed a frame of laws, or of the best state or mould of a commonwealth; but foreseeing it would be a long work, his desire of collecting the Natural History diverted him, which he preferred many degrees before it.

This work of the *New Atlantis*, as much as concerneth the English edition, his lordship designed for this place; in regard it hath so near affinity, in one part of it, with the preceding Natural History.

W. RAWLEY.

NEW ATLANTIS.

We sailed from Peru, where we had continued by the space of one whole year, for China and Japan, by the South Sea, taking with us victuals for twelve months; and had good winds from the east, though soft and weak, for five months space and more. But then the wind came about, and settled in the west for many days, so as we could make little or no way, and were sometimes in purpose to turn back. But then again there arose strong and great winds from the south, with a point east, which carried us up, for all that we could do, towards the north: by which time our victuals failed us, though we had made good spare of them. So that finding ourselves in the midst of the greatest wilderness of waters in the world, without victual, we gave ourselves for lost men, and prepared for death. Yet we did lift up our hearts and voices to God above, who showeth "his wonders in the deep;" beseeching him of his mercy, that as in the beginning he discovered the face of the deep, and brought forth dry land; so he would now discover land to us, that we might not perish. And it came to pass, that the next day about evening, we saw within a kenning before us, towards the north, as it were thick clouds, which did put us in some hope of land; knowing how that part of the South Sea was utterly unknown; and might have islands or continents, that hitherto were not come to light. Wherefore we bent our course thither, where we saw the appearance of land all that night; and in the dawning of the next day, we might plainly discern that it was a land, flat to our sight, and full of boscage, which made it show the more dark. And after an hour and a half's sailing, we entered into a good haven, being the port of a fair city; not great indeed, but well built, and that gave a pleasant view from the sea; and we thinking every minute long till we were on land, came close to the shore, and offered to land. But straightways we saw divers of the people with batons in their hands, as it were, forbidding us to land; yet without any cries or fierceness, but only as warning us off by signs that they made. Whereupon being not a little discomforted, we were advising with ourselves what we should do. During which time there made forth to us a small boat, with about eight persons in it; whereof one of them had in his hand a tipstaff of a yellow cane, tipped at both ends with blue, who came aboard our ship, without any show of distrust at all. And when he saw one of our number present himself somewhat afore the rest, he drew forth a little scroll of parchment, somewhat yellower than our parchment, and shining like the leaves of writing-tables, but otherwise soft and flexible, and delivered it to our fore-

most man. In which scroll were written in ancient Hebrew, and in ancient Greek, and in good Latin of the school, and in Spanish, these words; "Land ye not, none of you, and provide to be gone from this coast within sixteen days, except you have further time given you: meanwhile, if you want fresh water, or victual, or help for your sick, or that your ship needeth repair, write down your wants, and you shall have that which belongeth to mercy." This scroll was signed with a stamp of cherubim's wings, not spread, but hanging downwards, and by them a cross. This being delivered, the officer returned, and left only a servant with us to receive our answer. Consulting hereupon amongst ourselves, we were much perplexed. The denial of landing, and hasty warning us away, troubled us much; on the other side to find that the people had languages, and were so full of humanity, did comfort us not a little. And above all, the sign of the cross to that instrument was to us a great rejoicing, and as it were a certain presage of good. Our answer was in the Spanish tongue; "That for our ship, it was well; for we had rather met with calms and contrary winds than any tempests. For our sick, they were many, and in very ill case; so that if they were not permitted to land, they ran in danger of their lives." Our other wants we set down in particular; adding, "that we had some little store of merchandise, which if it pleased them to deal for, it might supply our wants without being chargeable unto them." We offered some reward in pistolets unto the servant, and a piece of crimson velvet to be presented to the officer; but the servant took them not, nor would scarce look upon them; and so left us, and went back in another little boat which was sent for him.

About three hours after we had despatched our answer, there came towards us a person, as it seemed, of place. He had on him a gown with wide sleeves, of a kind of water-chamblet, of an excellent azure colour, far more glossy than ours; his under apparel was green, and so was his hat, being in the form of a turbane, daintily made, and not so huge as the Turkish turbans; and the locks of his hair came down below the brims of it. A reverend man was he to behold. He came in a boat, gilt in some part of it, with four persons more only in that boat; and was followed by another boat, wherein were some twenty. When he was come within a flight shot of our ship, signs were made to us, that we should send forth some to meet him upon the water, which we presently did in our ship-boat, sending the principal man amongst us save one, and four of our number with him. When we were come within six yards of their boat, they called to us to stay, and not to approach farther; which we did. And thereupon the man, whom I before described, stood up, and with a loud voice in Spanish, asked, "Are ye Christians?" We answered, "we were;" fearing the less, because of the cross we had seen in the subscription. At which answer the said person lifted up his right hand towards heaven, and drew it softly to his mouth, which is the gesture they use when they thank God, and then said: "If ye will swear, all of you, by the merits of the Saviour, that ye are no pirates; nor have shed blood lawfully nor unlawfully within forty days past: you may have licence to come on land." We said, "we were all ready to take that oath." Whereupon one of those that were with him, being, as it seemed, a notary, made entry of this act. Which done, another of the attendants of the great person, which was with him in the same boat, after his lord had spoken a little to him, said aloud; "My lord would have you know, that it is not of pride or greatness, that he cometh not aboard your ship; but for that in your answer you declare, that you have many sick amongst you, he was warned by the conservator of health of the city, that he should keep a distance." We bowed ourselves towards him and answered, "we were his humble servants; and accounted for great honour, and singular humanity towards us, that which was already done; but hoped well, that the nature of the sickness of our men was not infectious." So he returned; and a while after came the notary to us aboard our ship; holding in his hand a fruit of that country, like an orange, but of colour between orange tawny and scarlet, which cast a most excellent odour. He used it, as it seemeth, for a preservative against infection. He gave us our oath; "By the name of Jesus and his merits:" and after told us, that the next day by six of the clock in the morning we should be sent to, and brought to the Strangers' house, so he called it, where we should be accommodated of things, both for our whole, and for our sick. So he left us; and when we offered him some pistolets, he smiling, said, "he must not be twice paid for one labour:" meaning, as I take it, that he had a salary sufficient of the state for his service. For, as I after learned, they call an officer that taketh rewards, Twice-paid.

The next morning early, there came to us the officer that came to us at first with his cane, and told us, "he came to conduct us to the Strangers' house; and that he had prevented the hour, because we might have the whole day before us for our business. For," said he, "if you will follow my advice, there shall first go with me, some few of you, and see the place, and how it may be made convenient for you; and then you may send for your sick, and the rest of your number, which we will bring on land." We thanked him, and said, that this care, which he took of desolate strangers, God would reward. And so six of us went on land with him: and when we were on land, he went before us, and turned to us, and said, "he was but our servant, and our guide." He led us through three fair streets; and all the way we went there were gathered some people on both sides, standing in a row; but in so civil a fashion, as if it had been, not to wonder at us, but to welcome us; and divers of them, as we passed by them, put their arms a little abroad; which is their gesture when they bid any welcome. The Strangers' house is a fair and spacious house, built of brick, of somewhat a bluer colour than our brick; and with handsome windows, some of glass, some of a kind of cambric oiled. He brought us first into a fair parlour above stairs, and then asked us, "What number of persons we were? And how many

sick?" We answered, "we are in all, sick and whole, one and fifty persons, whereof our sick were seventeen." He desired us to have patience a little, and to stay till he came back to us, which was about an hour after; and then he led us to see the chambers, which were provided for us, being in number nineteen: they having cast it, as it seemeth, that four of those chambers, which were better than the rest, might receive four of the principal men of our company, and lodge them alone by themselves; and the other fifteen chambers, were to lodge us two and two together. The chambers were handsome and cheerful chambers, and furnished civilly. Then he led us to a long gallery, like a dorture, where he showed us all along the one side, for the other side was but wall and window, seventeen cells, very neat ones, having partitions of cedar wood. Which gallery and cells, being in all forty, many more than we needed, were instituted as an infirmary for sick persons. And he told us withal, that as any of our sick waxed well, he might be removed from his cell to a chamber: for which purpose there were set forth ten spare chambers, besides the number we spake of before. This done, he brought us back to the parlour, and lifting up his cane a little, as they do when they give any charge or command, said to us, "Ye are to know that the custom of the land requireth, that after this day and to-morrow, which we give you for removing of your people from your ship, you are to keep within doors for three days. But let it not trouble you, nor do not think yourselves restrained, but rather left to your rest and ease. You shall want nothing, and there are six of our people appointed to attend you, for any business you may have abroad." We gave him thanks, with all affection and respect, and said, "God surely is manifested in this land." We offered him also twenty pistolets; but he smiled, and only said; "What? twice paid!" And so he left us. Soon after our dinner was served in; which was right good viands, both for bread and meat: better than any collegiate diet that I have known in Europe. We had also drink of three sorts, all wholesome and good; wine of the grape; a drink of grain, such as is with us our ale, but more clear; and a kind of cider made of a fruit of that country; a wonderful pleasing and refreshing drink. Besides, there were brought in to us great store of those scarlet oranges for our sick: which, they said, were an assured remedy for sickness taken at sea. There was given us also a box of small grey or whitish pills, which they wished our sick should take, one of the pills every night before sleep; which, they said, would hasten their recovery. The next day, after that our trouble of carriage, and removing of our men and goods out of our ship, was somewhat settled and quiet, I thought good to call our company together; and when they were assembled said unto them; "My dear friends, let us know ourselves, and how it standeth with us. We are men cast on land, as Jonas was, out of the whale's belly, when we were as buried in the deep: and now we are on land, we are but between death and life for we are beyond both the old world and the new; and whether ever we shall see Europe, God only knoweth. It is a kind of miracle hath brought us hither: and it must be little less that shall bring us hence. Therefore in regard of our deliverance past, and our danger present and to come, let us look up to God, and every man reform his own ways. Besides we are come here amongst a christian people, full of piety and humanity: let us not bring that confusion of face upon ourselves, as to show our vices or unworthiness before them. Yet there is more: for they have by commandment, though in form of courtesy, cloistered us within these walls for three days: who knoweth whether it be not to take some taste of our manners and conditions? And if they find them bad, to banish us straightways; if good, to give us farther time. For these men, that they have given us for attendance, may withal have an eye upon us. Therefore for God's love, and as we love the weal of our souls and bodies, let us so behave ourselves as we may be at peace with God, and may find grace in the eyes of this people." Our company with one voice thanked me for my good admonition, and promised me to live soberly and civilly, and without giving any the least occasion of offence. So we spent our three days joyfully, and without care, in expectation what would be done with us when they were expired. During which time, we had every hour joy of the amendment of our sick; who thought themselves cast into some divine pool of healing; they mended so kindly and so fast.

The morrow after our three days were past, there came to us a new man, that we had not seen before, clothed in blue as the former was, save that his turban was white, with a small red cross on the top. He had also a tippet of fine linen. At his coming in he did bend to us a little, and put his arms abroad. We of our parts saluted him in a very lowly and submissive manner; as looking that from him we should receive sentence of life or death. He desired to speak with some few of us: whereupon six of us only stayed, and the rest avoided the room. He said, "I am by office governor of this House of Strangers, and by vocation I am a christian priest; and therefore am come to you, to offer you my service, both as strangers, and chiefly as Christians. Some things I may tell you, which I think you will not be unwilling to hear. The state hath given you licence to stay on land for the space of six weeks; and let it not trouble you if your occasions ask farther time, for the law in this point is not precise; and I do not doubt but myself shall be able to obtain for you such farther time as may be convenient. Ye shall also understand, that the Strangers' House is at this time rich, and much aforehand; for it hath laid up revenue these thirty-seven years; for so long it is since any stranger arrived in this part: and therefore take ye no care; the state will defray you all the time you stay; neither shall you stay one day the less for that. As for any merchandise you have brought, ye shall be well used, and have your return either in merchandise, or in gold and silver: for to us it is all one. And if you have any other request to make, hide it not. For ye shall find, we will not make your countenance to

fall by the answer ye shall receive. Only this I must tell you, that none of you must go above a *karan*," that is with them a mile and a half, "from the walls of the city without special leave." We answered, after we had looked awhile one upon another, admiring this gracious and parent-like usage, "that we could not tell what to say: for we wanted words to express our thanks; and his noble free offers left us nothing to ask. It seemed to us, that we had before us a picture of our salvation in heaven: for we that were awhile since in the jaws of death, were now brought into a place where we found nothing but consolations. For the commandment laid upon us, we would not fail to obey it, though it was impossible but our hearts should be inflamed to tread farther upon this happy and holy ground." We added; "that our tongues should first cleave to the roofs of our mouths, ere we should forget either his reverend person, or this whole union in our prayers." We also most humbly besought him to accept of us as his true servants, by as just a right as ever men on earth were bounden, giving and presenting both our persons and all we had at his feet. He said; "he was a priest, and looked for a priest's reward; which was our brotherly love, and the good of our souls and bodies." So he went from us, not without tears of tenderness in his eyes; and left us also confused with joy and kindness, saying amongst ourselves, "that we were come into a land of angels, which did appear to us daily, and prevent us with comforts which we thought not of, much less expected."

The next day, about ten of the clock, the governor came to us again, and after salutations said familiarly, that he was come to visit us; and called for a chair, and sat him down: and we being some ten of us, the rest were of the meaner sort, or else gone abroad, sat down with him. And when we were set, he began thus: "We of this island of Bensalem," for so they call it in their language, "have this; that by means of our solitary situation, and of the laws of secrecy which we have for our travellers, and our rare admission of strangers; we know well most part of the habitable world, and are ourselves unknown. Therefore because he that knoweth least is fittest to ask questions, it is more reason for the entertainment of the time, that ye ask me questions, than that I ask you." We answered; "That we humbly thanked him that he would give us leave so to do: and that we conceived by the taste we had already, that there was no worldly thing on earth more worthy to be known than the state of that happy land. But above all," we said, "since that we were met from the several ends of the world, and hoped assuredly that we should meet one day in the kingdom of heaven, for that we were both parts Christians, we desired to know, in respect that land was so remote, and so divided by vast and unknown seas, from the land where our Saviour walked on earth, who was the apostle of that nation, and how it was converted to the faith?" It appeared in his face that he took great contentment in this our question: he said, "Ye knit my heart to you, by asking this question in the first place; for it showeth that you 'first seek the kingdom of heaven;' and I shall gladly and briefly satisfy your demand.

"About twenty years after the ascension of our Saviour, it came to pass, that there was seen by the people of Renfusa, a city upon the eastern coast of our island, within night, the night was cloudy and calm, as it might be some mile into the sea, a great pillar of light; not sharp, but in form of a column or cylinder rising from the sea, a great way up towards heaven: and on the top of it was seen a large cross of light, more bright and resplendent than the body of the pillar. Upon which so strange a spectacle, the people of the city gathered apace together upon the sands to wonder; and so after put themselves into a number of small boats, to go nearer to this marvellous sight. But when the boats were come within about sixty yards of the pillar, they found themselves all bound, and could go no farther, yet so as they might move to go about, but might not approach nearer: so as the boats stood all as in a theatre, beholding this light as a heavenly sign. It so fell out, that there was in one of the boats one of the wise men of the society of Solomon's house, which house or college, my good brethren, is the very eye of this kingdom; who having awhile attentively and devoutly viewed and contemplated this pillar and cross, fell down upon his face; and then raising himself up upon his knees, and lifting up his hands to heaven, made his prayers in this manner:

"'Lord God of heaven and earth; thou hast vouchsafed of thy grace, to those of our order, to know thy works of creation, and the secrets of them; and to discern, as far as appertaineth to the generations of men, between divine miracles, works of nature, works of art, and impostures and illusions of all sorts. I do here acknowledge and testify before this people, that the thing which we now see before our eyes, is thy finger, and a true miracle; and forasmuch as we learn in our books, that thou never workest miracles, but to a divine and excellent end, for the laws of nature are thine own laws, and thou exceedest them not but upon great cause, we most humbly beseech thee to prosper this great sign, and to give us the interpretation and use of it in mercy; which thou dost in some part secretly promise by sending it unto us.'

"When he had made this prayer, he presently found the boat he was in movable and unbound; whereas all the rest remained still fast; and taking that for an assurance of leave to approach, he caused the boat to be softly and with silence rowed towards the pillar. But ere he came near it, the pillar and cross of light brake up, and cast itself abroad, as it were into a firmament of many stars; which also vanished soon after, and there was nothing left to be seen but a small ark or chest of cedar, dry, and not wet at all with water, though it swam. And in the fore-end of it which was towards him, grew a small green branch of palm; and when the wise man had taken it with all reverence into his boat, it opened of itself, and there were found in it a book and a letter; both written in fine parchment, and

wrapped in sindons of linen. The book contained all the canonical books of the Old and New Testament, according as you have them, for we know well what the churches with you receive, and the Apocalypse itself: and some other books of the New Testament, which were not at that time written, were nevertheless in the book: and for the letter it was in these words:

"'I Bartholomew, a servant of the Highest, and apostle of Jesus Christ, was warned by an angel that appeared to me in a vision of glory, that I should commit this ark to the floods of the sea. Therefore I do testify and declare, unto that people where God shall ordain this ark to come to land, that in the same day is come unto them salvation, and peace, and good-will, from the Father, and from the Lord Jesus.'

"There was also in both these writings, as well the book as the letter, wrought a great miracle, conform to that of the apostles in the original gift of tongues. For there being at that time in this land, Hebrews, Persians, and Indians, besides the natives, every one read upon the book and letter, as if they had been written in his own language. And thus was this land saved from infidelity, as the remain of the old world was from water, by an ark, through the apostolical and miraculous evangelism of St. Bartholomew." And here he paused, and a messenger came and called him from us. So this was all that passed in that conference.

The next day the same governor came again to us immediately after dinner, and excused himself, saying; "that the day before he was called from us somewhat abruptly, but now he would make us amends, and spend time with us, if we held his company and conference agreeable." We answered, "that we held it so agreeable and pleasing to us, as we forgot both dangers past and fears to come, for the time we heard him speak; and that we thought an hour spent with him, was worth years of our former life." He bowed himself a little to us, and after we were set again, he said; "Well, the questions are on your part." One of our number said, after a little pause; "that there was a matter we were no less desirous to know, than fearful to ask, lest we might presume too far. But encouraged by his rare humanity towards us, that could scarce think ourselves strangers, being his vowed and professed servants, we would take the hardiness to propound it: humbly beseeching him if he thought it not fit to be answered, that he would pardon it, though he rejected it." We said; "we well observed those his words, which he formerly spake, that this happy island where we now stood, was known to few, and yet knew most of the nations of the world; which we found to be true, considering they had the languages of Europe, and knew much of our state and business; and yet we in Europe, notwithstanding all the remote discoveries and navigations of this last age, never heard any of the least inkling or glimpse of this island. This we found wonderful strange; for that all nations have interknowledge one of another, either by voyage into foreign parts, or by strangers that come to them: and though the traveller into a foreign country doth commonly know more by the eye, than he that stayeth at home can by relation of the traveller; yet both ways suffice to make a mutual knowledge, in some degree, on both parts. But for this island, we never heard tell of any ship of theirs, that had been seen to arrive upon any shore of Europe; no, nor of either the East or West Indies, nor yet of any ship of any other part of the world, that had made return from them. And yet the marvel rested not in this. For the situation of it, as his lordship said, in the secret conclave of such a vast sea might cause it. But then, that they should have knowledge of the languages, books, affairs of those that lie at such a distance from them, it was a thing we could not tell what to make of; for that it seemed to us a condition and propriety of divine powers and beings, to be hidden and unseen to others, and yet to have others open, and as in a light to them." At this speech the governor gave a gracious smile, and said; "that we did well to ask pardon for this question we now asked; for that it imported, as if we thought this land a land of magicians, that sent forth spirits of the air into all parts, to bring them news and intelligence of other countries." It was answered by us all, in all possible humbleness, but yet with a countenance taking knowledge that we knew that he spake it but merrily, "That we were apt enough to think there was something supernatural in this island, but yet rather as angelical than magical. But to let his lordship know truly, what it was that made us tender and doubtful to ask this question, it was not any such conceit, but because we remembered, he had given a touch in his former speech, that this land had laws of secrecy touching strangers." To this he said; "You remember it aright; and therefore in that I shall say to you, I must reserve some particulars, which it is not lawful for me to reveal; but there will be enough left to give you satisfaction.

"You shall understand, that which perhaps you will scarce think credible, that about three thousand years ago, or somewhat more, the navigation of the world, especially for remote voyages, was greater than at this day. Do not think with yourselves, that I know not how much it is increased with you within these six-score years: I know it well; and yet I say greater then than now: whether it was, that the example of the ark, that saved the remnant of men from the universal deluge, gave men confidence to adventure upon the waters, or what it was, but such is the truth. The Phœnicians, and especially the Tyrians, had great fleets. So had the Carthaginians their colony, which is yet farthest west. Toward the east, the shipping of Egypt, and of Palestine, was likewise great. China also, and the great Atlantis, that you call America, which have now but junks and canoes, abounded then in tall ships. This island, as appeareth by faithful registers of those times, had then fifteen hundred strong ships of great content. Of all this there is with you sparing memory, or none; but we have large knowledge thereof.

"At that time, this land was known and frequent-

ed by the ships and vessels of all the nations before named. And, as it cometh to pass, they had many times men of other countries, that were no sailors, that came with them; as Persians, Chaldeans, Arabians, so as almost all nations of might and fame resorted hither; of whom we have some stirps and little tribe with us at this day. And for our own ships, they went sundry voyages, as well to your Straits, which you call the pillars of Hercules, as to other parts in the Atlantic and Mediterranean seas; as to Peguin, which is the same with Cambaline, and Quinzy, upon the Oriental seas, as far as to the borders of the East Tartary.

"At the same time, and an age after, or more, the inhabitants of the great Atlantis did flourish. For though the narration and description which is made by a great man with you, that the descendants of Neptune planted there; and of the magnificent temple, palace, city, and hill; and the manifold streams of goodly navigable rivers, which, as so many chains, environed the same site and temple; and the several degrees of ascent, whereby men did climb up to the same, as if it had been a scala cœli; be all poetical and fabulous: yet so much is true, that the said country of Atlantis, as well that of Peru, then Coya, as that of Mexico, then named Tyrambel, were mighty and proud kingdoms, in arms, shipping, and riches: so mighty, as at one time, or at least within the space of ten years, they both made two great expeditions, they of Tyrambel, through the Atlantic to the Mediterranean sea; and they of Coya, through the South sea upon this our island: and for the former of these, which was into Europe, the same author amongst you, as it seemeth, had some relation from the Ægyptian priest whom he citeth. For assuredly, such a thing there was. But whether it were the ancient Athenians that had the glory of the repulse and resistance of those forces, I can say nothing: but certain it is, there never came back either ship, or man, from that voyage. Neither had the other voyage of those of Coya upon us had better fortune, if they had not met with enemies of greater clemency. For the king of this island, by name Altabin, a wise man, and a great warrior; knowing well both his own strength, and that of his enemies; handled the matter so, as he cut off their land-forces from their ships, and entoiled both their navy and their camp, with a greater power than theirs, both by sea and land; and compelled them to render themselves without striking stroke: and after they were at his mercy, contenting himself only with their oath, that they should no more bear arms against him, dismissed them all in safety. But the divine revenge overtook not long after those proud enterprises. For within less than the space of one hundred years, the great Atlantis was utterly lost and destroyed: not by a great earthquake, as your man saith, for that whole tract is little subject to earthquakes, but by a particular deluge or inundation: those countries having, at this day, far greater rivers, and far higher mountains, to pour down waters, than any part of the old world. But it is true, that the same inundation was not deep; not past forty foot, in most places, from the ground: so that although it destroyed man and beast generally, yet some few wild inhabitants of the woods escaped. Birds also were saved by flying to the high trees and woods. For as for men, although they had buildings in many places higher than the depth of the water; yet that inundation, though it were shallow, had a long continuance; whereby they of the vale, that were not drowned, perished for want of food, and other things necessary. So as marvel you not at the thin population of America, nor at the rudeness and ignorance of the people; for you must account your inhabitants of America as a young people; younger a thousand years, at the least, than the rest of the world; for that there was so much time between the universal flood and their particular inundation. For the poor remnant of human seed, which remained in their mountains, peopled the country again slowly, by little and little; and being simple and savage people, not like Noah and his sons, which was the chief family of the earth, they were not able to leave letters, arts, and civility to their posterity, and having likewise in their mountainous habitations been used, in respect of the extreme cold of those regions, to clothe themselves with the skins of tigers, bears, and great hairy goats, that they have in those parts: when after they came down into the valley, and found the intolerable heats which are there, and knew no means of lighter apparel, they were forced to begin the custom of going naked, which continueth at this day. Only they take great pride and delight in the feathers of birds; and this also they took from those their ancestors of the mountains, who were invited unto it by the infinite flights of birds, that came up to the high grounds, while the waters stood below. So you see, by this main accident of time, we lost our traffic with the Americans, with whom, of all others, in regard they lay nearest to us, we had most commerce. As for the other parts of the world, it is most manifest, that in the ages following, whether it were in respect of wars, or by a natural revolution of time, navigation did every where greatly decay, and especially far voyages, the rather by the use of galleys, and such vessels as could hardly brook the ocean, were altogether left and omitted. So then, that part of intercourse which could be from other nations to sail to us, you see how it hath long since ceased; except it were by some rare accident, as this of yours. But now of the cessation of that other part of intercourse, which might be by our sailing to other nations, I must yield you some other cause. For I cannot say, if I shall say truly, but our shipping, for number, strength, mariners, pilots, and all things that appertain to navigation, is as great as ever: and therefore why we should sit at home, I shall now give you an account by itself: and it will draw nearer to give you satisfaction to your principal question.

"There reigned in this island, about nineteen hundred years ago, a king whose memory of all others we most adore; not superstitiously, but as a divine instrument, though a mortal man; his name was Solomona: and we esteem him as the lawgiver of our nation. This king had a large heart, inscru-

table for good, and was wholly bent to make his kingdom and people happy. He therefore taking into consideration, how sufficient and substantive this land was to maintain itself without any aid at all of the foreigner, being five thousand six hundred miles in circuit, and of rare fertility of soil, in the greatest part thereof; and finding also the shipping of this country might be plentifully set on work, both by fishing and by transportations from port to port, and likewise by sailing unto some small islands that are not far from us, and are under the crown and laws of this state; and recalling into his memory the happy and flourishing estate wherein this land then was; so as it might be a thousand ways altered to the worse, but scarce any one way to the better; thought nothing wanted to his noble and heroical intentions, but only, as far as human foresight might reach, to give perpetuity to that, which was in his time so happily established. Therefore amongst his other fundamental laws of this kingdom, he did ordain the interdicts and prohibitions, which we have, touching entrance of strangers; which at that time, though it was after the calamity of America, was frequent; doubting novelties, and commixture of manners. It is true, the like law, against the admission of strangers without licence, is an ancient law in the kingdom of China, and yet continued in use: but there it is a poor thing; and hath made them a curious, ignorant, fearful, foolish nation. But our lawgiver made his law of another temper. For first, he hath preserved all points of humanity, in taking order, and making provision for the relief of strangers distressed, whereof you have tasted." At which speech, as reason was, we all rose up and bowed ourselves. He went on. "That king also, still desiring to join humanity and policy together; and thinking it against humanity to detain strangers here against their wills; and against policy that they should return, and discover their knowledge of this estate, he took this course: he did ordain, that of the strangers that should be permitted to land, as many, at all times, might depart as would; but as many as would stay, should have very good conditions, and means to live, from the state. Wherein he saw so far, that now in so many ages since the prohibition, we have memory, not of one ship that ever returned, and but of thirteen persons only, at several times, that chose to return in our bottoms. What those few that have returned may have reported abroad I know not: but you must think, whatsoever they have said, could be taken where they came but for a dream. Now for our travelling from hence into parts abroad, our lawgiver thought fit altogether to restrain it. So is it not in China. For the Chinese sail where they will or can; which showeth that their law of keeping out strangers is a law of pusillanimity and fear. But this restraint of ours hath one only exception, which is admirable; preserving the good which cometh by communicating with strangers, and avoiding the hurt; and I will now open it to you. And here I shall seem a little to digress, but you will by and by find it pertinent. Ye shall understand, my dear friends, that amongst the excellent acts of that king, one above all hath the pre-eminence. It was the erection a institution of an order or society which we c Solomon's House; the noblest foundation, as think, that ever was upon the earth, and the l thorn of this kingdom. It is dedicated to the stu of the works and creatures of God. Some think beareth the founder's name a little corrupted, as it should be Solomona's House. But the reco write it as it is spoken. So as I take it to be nominate of the king of the Hebrews, which famous with you, and no stranger to us; for we ha some parts of his works, which with you are lo namely, that Natural History which he wrote of plants, 'from the cedar of Libanus, to the m that groweth out of the wall;' and of all things t have life and motion. This maketh me think, t our king finding himself to symbolize in ma things with that king of the Hebrews, which liv many years before him, honoured him with the t of this foundation. And I am the rather induced be of this opinion, for that I find in ancient reco this order or society is sometimes called Solomo House, and sometimes the college of the six da works: whereby I am satisfied, that our excell king had learned from the Hebrews, that God h created the world, and all that therein is, within days; and therefore he instituting that house for t finding out the true nature of all things, where God might have the more glory in the workmansh of them, and men the more fruit in the use of the did give it also that second name. But now to co to our present purpose. When the king had f bidden to all his people navigation into any pa that was not under his crown, he made nevertheles this ordinance; that every twelve years there sho be set forth, out of this kingdom, two ships appo ed to several voyages; that in either of these shi there should be a mission of three of the fellows brethren of Solomon's House; whose errand w only to give us knowledge of the affairs and state those countries to which they were designed; a especially of the sciences, arts, manufactures, a inventions of all the world; and withal to bring us us books, instruments, and patterns in every kin that the ships, after they had landed the brethre should return; and that the brethren should st abroad till the new mission. These ships are n otherwise fraught, than with store of victuals, a good quantity of treasure to remain with t brethren, for the buying of such things, and rewa ing of such persons, as they should think fit. No for me to tell you how the vulgar sort of marine are contained from being discovered at land; a how they that must be put on shore for any tra colour themselves under the names of other nation and to what places these voyages have been desig ed; and what places of rendezvous are appoint for the new missions; and the like circumstances the practice; I may not do it: neither is it much your desire. But thus you see we maintain a tra not for gold, silver, or jewels; nor for silks; nor f spices; nor any other commodity of matter; b only for God's first creature, which was light t have light, I say, of the growth of all parts of t

world." And when he had said this, he was silent; and so were we all. For indeed we were all astonished to hear so strange things so probably told. And he perceiving that we were willing to say somewhat, but had it not ready, in great courtesy took us off, and descended to ask us questions of our voyage and fortunes, and in the end concluded, that we might do well to think with ourselves, what time of stay we would demand of the state; and bade us not to scant ourselves; for he would procure such time as we desired. Whereupon we all rose up, and presented ourselves to kiss the skirt of his tippet, but he would not suffer us; and so took his leave. But when it came once amongst our people, that the state used to offer conditions to strangers that would stay, we had work enough to get any of our men to look to our ship; and to keep them from going presently to the governor to crave conditions. But with much ado we refrained them, till we might agree what course to take.

We took ourselves now for free men, seeing there was no danger of our utter perdition; and lived most joyfully, going abroad and seeing what was to be seen in the city and places adjacent within our tedder; and obtaining acquaintance with many of the city, not of the meanest quality; at whose hands we found such humanity, and such a freedom and desire to take strangers as it were into their bosom, as was enough to make us forget all that was dear to us in our own countries: and continually we met with many things, right worthy of observation and relation; as indeed, if there be a mirror in the world worthy to hold men's eyes, it is that country. One day there were two of our company bidden to a feast of the family, as they call it. A most natural, pious, and reverend custom it is, showing that nation to be compounded of all goodness. This is the manner of it. It is granted to any man, that shall live to see thirty persons descended of his body alive together, and all above three years old, to make this feast, which is done at the cost of the state. The father of the family, whom they call the Tirsan, two days before the feast, taketh to him three of such friends as he liketh to choose; and is assisted also by the governor of the city, or place, where the feast is celebrated; and all the persons of the family of both sexes are summoned to attend him. These two days the Tirsan sitteth in consultation concerning the good estate of the family. There, if there be any discords or suits between any of the family, they are compounded and appeased. There, if any of the family be distressed or decayed, order is taken for their relief, and competent means to live. There, if any be subject to vice, or take ill courses, they are reproved and censured. So likewise direction is given touching marriages, and the course of life which any of them should take, with divers other like orders and advices. The governor assisteth, to the end to put in execution, by his public authority, the decrees and orders of the Tirsan, if they should be disobeyed; though that seldom needeth; such reverence and obedience they give to the order of nature. The Tirsan doth also then ever choose one man from amongst his sons, to live in the house with him: who is called ever after the Son of the Vine. The reason will hereafter appear. On the feast-day, the father, or Tirsan, cometh forth after divine service into a large room where the feast is celebrated; which room hath a half pace at the upper end. Against the wall, in the middle of the half pace, is a chair placed for him, with a table and carpet before it. Over the chair is a state made round or oval, and it is of ivy; an ivy somewhat whiter than ours, like the leaf of a silver asp, but more shining: for it is green all winter. And the state is curiously wrought with silver and silk of divers colours, broiding or binding in the ivy; and is ever of the work of some of the daughters of the family; and veiled over at the top with a fine net of silk and silver. But the substance of it is true ivy; whereof, after it is taken down, the friends of the family are desirous to have some leaf or sprig to keep. The Tirsan cometh forth with all his generation or lineage, the males before him, and the females following him; and if there be a mother, from whose body the whole lineage is descended, there is a traverse placed in a loft above on the right hand of the chair, with a privy door, and a carved window of glass, leaded with gold and blue; where she sitteth, but is not seen. When the Tirsan is come forth, he sitteth down in the chair; and all the lineage place themselves against the wall, both at his back, and upon the return of the half pace, in order of their years, without difference of sex, and stand upon their feet. When he is set, the room being always full of company, but well kept, and without disorder; after some pause there cometh in from the lower end of the room a taratan, which is as much as a herald, and on either side of him two young lads; whereof one carrieth a scroll of their shining yellow parchment; and the other a cluster of grapes of gold, with a long foot or stalk. The herald and children are clothed with mantles of sea-water green sattin; but the herald's mantle is streamed with gold, and hath a train. Then the herald with three curtesies, or rather inclinations, cometh up as far as the half pace; and there first taketh into his hand the scroll. This scroll is the king's charter, containing gift of revenue, and many privileges, exemptions, and points of honour, granted to the father of the family; and is ever styled and directed, "To such an one, our well-beloved friend and creditor:" which is a title proper only to this case. For they say, (the king is debtor to no man, but for propagation of his subjects.) The seal set to the king's charter, is the king's image, imbossed or moulded in gold; and though such charters be expedited of course, and as of right, yet they are varied by discretion, according to the number and dignity of the family. This charter the herald readeth aloud: and while it is read, the father or Tirsan standeth up, supported by two of his sons, such as he chooseth. Then the herald mounteth the half pace, and delivereth the charter into his hand: and with that there is an acclamation by all that are present in their language, which is thus much: "Happy are the people of Bensalem." Then the herald taketh into his hand from the other child

the cluster of grapes, which is of gold; both the stalk and the grapes. But the grapes are daintily enamelled; and if the males of the family be the greater number, the grapes are enamelled purple, with a little sun set on the top; if the females, then they are enamelled into a greenish yellow, with a crescent on the top. The grapes are in number as many as there are descendants of the family. This golden cluster the herald delivereth also to the Tirsan; who presently delivereth it over to that son, that he had formerly chosen to be in the house with him: who beareth it before his father as an ensign of honour, when he goeth in public, ever after; and is thereupon called the Son of the Vine. After this ceremony ended, the father or Tirsan retireth; and after some time cometh forth again to dinner, where he sitteth alone under the state as before; and none of his descendants sit with him, of what degree or dignity soever, except he hap to be of Solomon's House. He is served only by his own children, such as are male; who perform unto him all service of the table upon the knee; and the women only stand about him, leaning against the wall. The room below the half pace hath tables on the sides for the guests that are bidden; who are served with great and comely order; and towards the end of dinner, which, in the greatest feasts with them, lasteth never above an hour and a half, there is a hymn sung, varied according to the invention of him that composeth it, for they have excellent poesy, but the subject of it is, always, the praises of Adam, and Noah, and Abraham; whereof the former two peopled the world, and the last was the father of the faithful: concluding ever with a thanksgiving for the nativity of our Saviour, in whose birth the births of all are only blessed. Dinner being done, the Tirsan retireth again; and having withdrawn himself alone into a place, where he maketh some private prayers, he cometh forth the third time, to give the blessing; with all his descendants, who stand about him as at the first. Then he calleth them forth by one and by one, by name, as he pleaseth, though seldom the order of age be inverted. The person that is called, the table being before removed, kneeleth down before the chair, and the father layeth his hand upon his head, or her head, and giveth the blessing in these words: "Son of Bensalem, or daughter of Bensalem, thy father saith it; the man by whom thou hast breath and life speaketh the word; The blessing of the everlasting Father, the Prince of peace, and the Holy Dove be upon thee, and make the days of thy pilgrimage good and many." This he saith to every of them; and that done, if there be any of his sons of eminent merit and virtue, so they be not above two, he calleth for them again; and saith, laying his arm over their shoulders, they standing; "Sons, it is well ye are born, give God the praise, and persevere to the end." And withal he delivereth to either of them a jewel, made in the figure of an ear of wheat, which they ever after wear in the front of their turban or hat. This done, they fall to music and dances, and other recreations, after their manner, for the rest of the day. This is the full order of that feast.

By that time six or seven days were spent, I was fallen into strait acquaintance with a merchant of that city, whose name was Joabin. He was a Jew, and circumcised: for they have some few stirps of Jews yet remaining among them, whom they leave to their own religion: which they may the better do, because they are of a far differing disposition from the Jews in other parts. For whereas they hate the name of Christ, and have a secret inbred rancour against the people amongst whom they live; these, contrariwise, give unto our Saviour many high attributes, and love the nation of Bensalem extremely. Surely this man of whom I speak, would ever acknowledge that Christ was born of a virgin; and that he was more than a man; and he would tell how God made him ruler of the seraphims which guard his throne; and they call him also the milken way, and the Eliah of the Messias; and many other high names; which though they be inferior to his divine Majesty, yet they are far from the language of other Jews. And for the country of Bensalem, this man would make no end of commending it: being desirous by tradition among the Jews there, to have it believed, that the people thereof were of the generations of Abraham, by another son, whom they called Nachoran; and that Moses, by a secret cabala, ordained the laws of Bensalem which they now use; and that when the Messias should come, and set in his throne at Hierusalem, the king of Bensalem should set at his feet, whereas other kings should keep a great distance. But yet setting aside these Jewish dreams, the man was a wise man, and learned, and of great policy, and excellently seen in the laws and customs of that nation. Amongst other discourses, one day I told him I was much affected with the relation I had from some of the company, of their custom in holding the feast of the family; for that, methought, I had never heard of a solemnity wherein nature did so much preside. And because propagation of families proceedeth from the nuptial copulation, I desired to know of him, what laws and customs they had concerning marriage; and whether they kept marriage well; and whether they were tied to one wife? For that where population is so much affected, and such as with them it seemed to be, there is commonly permission of plurality of wives. To this he said, "You have reason for to commend that excellent institution of the feast of the family; and indeed we have experience, that those families that are partakers of the blessing of that feast, do flourish and prosper ever after in an extraordinary manner. But hear me now, and I will tell you what I know. You shall understand, that there is not under the heavens so chaste a nation as this of Bensalem; nor so free from all pollution or foulness. It is the virgin of the world. I remember I have read in one of our European books, of an holy hermit among you, that desired to see the spirit of fornication; and there appeared to him a little foul ugly Æthiop: but if he had desired to see the spirit of chastity of Bensalem, it would have appeared to him in the likeness of a fair beautiful cherubim. For there is nothing amongst mortal men more fair and admirable, than the chaste minds

of this people. Know therefore that with them there are no stews, no dissolute houses, no courtesans, nor any thing of that kind. Nay, they wonder, with detestation, at you in Europe, which permit such things. They say, ye have put marriage out of office; for marriage is ordained a remedy for unlawful concupiscence; and natural concupiscence seemeth as a spur to marriage. But when men have at hand a remedy more agreeable to their corrupt will, marriage is almost expulsed. And therefore there are with you seen infinite men that marry not, but choose rather a libertine and impure single life, than to be yoked in marriage; and many that do marry, marry late, when the prime and strength of their years is past. And when they do marry, what is marriage to them but a very bargain; wherein is sought alliance, or portion, or reputation, with some desire, almost indifferent, of issue; and not the faithful nuptial union of man and wife, that was first instituted. Neither is it possible, that those that have cast away so basely so much of their strength should greatly esteem children, being of the same matter, as chaste men do. So likewise during marriage, is the case much amended, as it ought to be if those things were tolerated only for necessity? No, but they remain still as a very affront to marriage. The haunting of those dissolute places, or resort to courtesans, are no more punished in married men than in bachelors. And the depraved custom of change, and the delight in meretricious embracements, where sin is turned into art, maketh marriage a dull thing, and a kind of imposition or tax. They hear you defend these things, as done to avoid greater evils; as advoutries, deflouring of virgins, unnatural lust, and the like. But they say, this is a preposterous wisdom; and they call it Lot's offer, who to save his guests from abusing, offered his daughters: nay, they say farther, that there is little gained in this; for that the same vices and appetites do still remain and abound; unlawful lust being like a furnace, that if you stop the flames altogether it will quench; but if you give it any vent it will rage. As for masculine love, they have no touch of it; and yet there are not so faithful and inviolate friendships in the world again as are there; and to speak generally, as I said before, I have not read of any such chastity in any people as theirs. And their usual saying is, That whosoever is unchaste cannot reverence himself: and they say, That the reverence of a man's self is, next religion, the chiefest bridle of all vices." And when he had said this, the good Jew paused a little; whereupon I, far more willing to hear him speak on than to speak myself; yet thinking it decent, that upon his pause of speech I should not be altogether silent, said only this; "that I would say to him, as the widow of Sarepta said to Elias; that he was come to bring to memory our sins; and that I confess the righteousness of Bensalem was greater than the righteousness of Europe." At which speech he bowed his head, and went on in this manner: "They have also many wise and excellent laws touching marriage. They allow no polygamy; they have ordained that none do intermarry, or contract, until a month be passed from their first interview. Marriage without consent of parents they do not make void, but they mulct it in the inheritors: for the children of such marriages are not admitted to inherit above a third part of their parents' inheritance. I have read in a book of one of your men, of a feigned commonwealth, where the married couple are permitted before they contract, to see one another naked. This they dislike; for they think it a scorn to give a refusal after so familiar knowledge: but because of many hidden defects in men and women's bodies, they have a more civil way; for they have near every town a couple of pools, which they call Adam and Eve's pools, where it is permitted to one of the friends of the man, and another of the friends of the woman, to see them severally bathe naked."

And as we were thus in conference, there came one that seemed to be a messenger, in a rich huke, that spake with the Jew: whereupon he turned to me and said; "You will pardon me, for I am commanded away in haste." The next morning he came to me again joyful, as it seemed, and said, "There is word come to the governor of the city, that one of the fathers of Solomon's House will be here this day seven-night; we have seen none of them this dozen years. His coming is in state; but the cause of his coming is secret. I will provide you and your fellows of a good standing to see his entry." I thanked him, and told him, I was most glad of the news. The day being come, he made his entry. He was a man of middle stature and age, comely of person, and had an aspect as if he pitied men. He was clothed in a robe of fine black cloth, with wide sleeves and a cape. His under garment was of excellent white linen down to the foot, girt with a girdle of the same; and a sindon or tippet of the same about his neck. He had gloves that were curious, and set with stone; and shoes of peach-coloured velvet. His neck was bare to the shoulders. His hat was like a helmet, or Spanish Montera; and his locks curled below it decently: they were of colour brown. His beard was cut round, and of the same colour with his hair, somewhat lighter. He was carried in a rich chariot without wheels, litter-wise, with two horses at either end, richly trapped in blue velvet embroidered; and two footmen on each side in the like attire. The chariot was all of cedar, gilt, and adorned with crystal; save that the fore-end had pannels of sapphires, set in borders of gold, and the hinder-end the like of emeralds of the Peru colour. There was also a sun of gold, radiant upon the top, in the midst; and on the top before a small cherub of gold, with wings displayed. The chariot was covered with cloth of gold tissued upon blue. He had before him fifty attendants, young men all, in white sattin loose coats to the mid-leg, and stockings of white silk; and shoes of blue velvet; and hats of blue velvet; with fine plumes of divers colours, set round like hatbands. Next before the chariot went two men bare-headed, in linen garments down to the foot, girt, and shoes of blue velvet, who carried the one a crosier, the other a

pastoral staff, like a sheep-hook: neither of them of metal, but the crosier of balm-wood, the pastoral staff of cedar. Horsemen he had none, neither before nor behind his chariot: as it seemeth, to avoid all tumult and trouble. Behind his chariot went all the officers and principals of the companies of the city. He sat alone, upon cushions of a kind of excellent plush, blue; and under his foot curious carpets of silk of divers colours, like the Persian, but far finer. He held up his bare hand as he went, as blessing the people, but in silence. The street was wonderfully well kept; so that there was never any army had their men stand in better battle-array, than the people stood. The windows likewise were not crowded, but every one stood in them as if they had been placed. When the show was past, the Jew said to me; "I shall not be able to attend you as I would, in regard of some charge the city hath laid upon me, for the entertaining of this great person." Three days after the Jew came to me again, and said; "Ye are happy men; for the father of Solomon's House taketh knowledge of your being here, and commanded me to tell you, that he will admit all your company to his presence, and have private conference with one of you that ye shall choose: and for this hath appointed the next day after to-morrow. And because he meaneth to give you his blessing, he hath appointed it in the forenoon." We came at our day and hour, and I was chosen by my fellows for the private access. We found him in a fair chamber, richly hanged, and carpeted under foot, without any degrees to the state; he was set upon a low throne richly adorned, and a rich cloth of state over his head, of blue sattin embroidered. He was alone, save that he had two pages of honour, on either hand one, finely attired in white. His under-garments were the like that we saw him wear in the chariot; but instead of his gown, he had on him a mantle with a cape, of the same fine black, fastened about him. When we came in, as we were taught, we bowed low at our first entrance; and when we were come near his chair, he stood up, holding forth his hand ungloved, and in posture of blessing; and we every one of us stooped down, and kissed the hem of his tippet. That done, the rest departed, and I remained. Then he warned the pages forth of the room, and caused me to sit down beside him, and spake to me thus in the Spanish tongue:

"God bless thee, my son. I will give thee the greatest jewel I have. For I will impart unto thee, for the love of God and men, a relation of the true state of Solomon's House. Son, to make you know the true state of Solomon's House, I will keep this order. First, I will set forth unto you the end of our foundation. Secondly, the preparations and instruments we have for our works. Thirdly, the several employments and functions whereto our fellows are assigned. And, fourthly, the ordinances and rites which we observe.

"The end of our foundation is the knowledge of causes, and secret motions of things; and the enlarging of the bounds of human empire, to the effecting of all things possible.

"The preparations and instruments are these. We have large and deep caves of several depths: the deepest are sunk six hundred fathom; and some of them are digged and made under great hills and mountains: so that if you reckon together the depth of the hill and the depth of the cave, they are, some of them, above three miles deep. For we find that the depth of a hill, and the depth of a cave from the flat, is the same thing; both remote alike from the sun and heaven's beams, and from the open air. These caves we call the lower region. And we use them for all coagulations, indurations, refrigerations, and conservations of bodies. We use them likewise for the imitation of natural mines: and the producing also of new artificial metals, by compositions and materials which we use and lay there for many years. We use them also sometimes, which may seem strange, for curing of some diseases, and for prolongation of life, in some hermits that choose to live there, well accommodated of all things necessary, and indeed live very long; by whom also we learn many things.

"We have burials in several earths, where we put divers cements, as the Chineses do their porcellane. But we have them in greater variety, and some of them more fine. We have also great variety of composts, and soils, for the making of the earth fruitful.

"We have high towers; the highest about half a mile in height; and some of them likewise set upon high mountains; so that the vantage of the hill with the tower, is in the highest of them three miles at least. And these places we call the upper region; accounting the air between the high places and the low, as a middle region. We use these towers, according to their several heights and situations, for insolation, refrigeration, conservation, and for the view of divers meteors; as winds, rain, snow, hail, and some of the fiery meteors also. And upon them, in some places, are dwellings of hermits, whom we visit sometimes, and instruct what to observe.

"We have great lakes both salt and fresh, whereof we have use for the fish and fowl. We use them also for burials of some natural bodies: for we find a difference in things buried in earth, or in air below the earth; and things buried in water. We have also pools, of which some do strain fresh water out of salt; and others by art do turn fresh water into salt. We have also some rocks in the midst of the sea: and some bays upon the shore for some works, wherein is required the air and vapour of the sea. We have likewise violent streams and cataracts, which serve us for many motions: and likewise engines for multiplying and enforcing of winds, to set also on going divers motions.

"We have also a number of artificial wells and fountains, made in imitation of the natural sources and baths; as tincted upon vitriol, sulphur, steel, brass, lead, nitre, and other minerals. And again, we have little wells for infusions of many things, where the waters take the virtue quicker and better

than in vessels or basons. And amongst them we have a water, which we call water of paradise, being, by that we do to it, made very sovereign for health and prolongation of life.

"We have also great and spacious houses, where we imitate and demonstrate meteors; as snow, hail, rain, some artificial rains of bodies, and not of water, thunders, lightnings; also generations of bodies in air; as frogs, flies, and divers others.

"We have also certain chambers, which we call chambers of health, where we qualify the air as we think good and proper for the cure of divers diseases, and preservation of health.

"We have also fair and large baths, of several mixtures, for the cure of diseases, and the restoring of man's body from arefaction: and others, for the confirming of it in strength of sinews, vital parts, and the very juice and substance of the body.

"We have also large and various orchards and gardens, wherein we do not so much respect beauty, as variety of ground and soil, proper for divers trees and herbs: and some very spacious, where trees and berries are set, whereof we make divers kinds of drinks, besides the vineyards. In these we practise likewise all conclusions of grafting and inoculating, as well of wild trees as fruit trees, which produceth many effects. And we make, by art, in the same orchards and gardens, trees and flowers to come earlier or later than their seasons; and to come up and bear more speedily than by their natural course they do. We make them also by art greater much than their nature; and their fruit greater and sweeter, and of differing taste, smell, colour, and figure, from their nature. And many of them we so order, as they become of medicinal use.

"We have also means to make divers plants rise by mixtures of earths without seeds; and likewise to make divers new plants, differing from the vulgar; and to make one tree or plant turn into another.

"We have also parks and enclosures of all sorts of beasts and birds, which we use not only for view or rareness, but likewise for dissections and trials; that thereby we may take light what may be wrought upon the body of man. Wherein we find many strange effects; as continuing life in them, though divers parts, which you account vital, be perished, and taken forth; resuscitating of some that seem dead in appearance; and the like. We try also all poisons and other medicines upon them, as well of chirurgery as physic. By art likewise, we make them greater or taller than their kind is; and contrariwise dwarf them, and stay their growth: we make them more fruitful and bearing than their kind is; and contrariwise barren, and not generative. Also we make them differ in colour, shape, activity, many ways. We find means to make commixtures and copulations of divers kinds, which have produced many new kinds, and them not barren, as the general opinion is. We make a number of kinds of serpents, worms, flies, fishes, of putrefaction; whereof some are advanced in effect to be perfect creatures, like beasts, or birds; and have sexes, and do propagate. Neither do we this by chance, but we know beforehand, of what matter and commixture, what kind of those creatures will arise.

"We have also particular pools, where we make trials upon fishes, as we have said before of beasts and birds.

"We have also places for breed and generation of those kinds of worms, and flies, which are of special use; such as are with you your silk-worms and bees.

"I will not hold you long with recounting of our brew-houses, bake-houses, and kitchens, where are made divers drinks, breads, and meats, rare and of special effects. Wines we have of grapes; and drinks of other juice, of fruits, of grains, and of roots: and of mixtures with honey, sugar, manna, and fruits dried and decocted. Also of the tears or wounding of trees, and of the pulp of canes. And these drinks are of several ages, some to the age or last of forty years. We have drinks also brewed with several herbs, and roots, and spices; yea, with several fleshes, and white meats; whereof some of the drinks are such as they are in effect meat and drink both: so that divers, especially in age, do desire to live with them, with little or no meat or bread. And above all, we strive to have drinks of extreme thin parts, to insinuate into the body, and yet without all biting, sharpness, or fretting; insomuch as some of them put upon the back of your hand, will, with a little stay, pass through to the palm, and yet taste mild to the mouth. We have also waters which we ripen in that fashion as they become nourishing; so that they are indeed excellent drink; and many will use no other. Breads we have of several grains, roots, and kernels: yea, and some of flesh, and fish, dried; with divers kinds of leavenings and seasonings: so that some do extremely move appetites; some do nourish so, as divers do live on them, without any other meat; who live very long. So for meats, we have some of them so beaten, and made tender, and mortified, yet without all corrupting, as a weak heat of the stomach will turn them into good chylus, as well as a strong heat would meat otherwise prepared. We have some meats also, and breads and drinks, which taken by men enable them to fast long after: and some other, that used make the very flesh of men's bodies sensibly more hard and tough, and their strength far greater than otherwise it would be.

"We have dispensatories, or shops of medicines; wherein you may easily think, if we have such variety of plants and living creatures more than you have in Europe, (for we know what you have,) the simples, drugs, and ingredients of medicines must likewise be in so much the greater variety. We have them likewise of divers ages, and long fermentations. And for their preparations, we have not only all manner of exquisite distillations and separations, and especially by gentle heats and percolations through divers strainers, yea, and substances; but also exact forms of composition whereby they incorporate almost as they were natural simples.

"We have also divers mechanical arts, which you have not: and stuffs made by them; as papers, linen, silks, tissues; dainty works of feathers of

wonderful lustre; excellent dyes, and many others: and shops likewise as well for such as are not brought into vulgar use amongst us, as for those that are. For you must know, that of the things before recited, many of them are grown into use throughout the kingdom; but yet, if they did flow from our invention, we have of them also for patterns and principals.

"We have also furnaces of great diversities, and that keep great diversity of heats; fierce and quick; strong and constant; soft and mild; blown, quiet, dry, moist; and the like. But above all, we have heats in imitation of the sun's and heavenly bodies' heats, that pass divers inequalities, and, as it were, orbs, progresses, and returns, whereby we produce admirable effects. Besides, we have heats of dungs, and of bellies and maws of living creatures, and of their bloods and bodies; and of hays and herbs laid up moist; of lime unquenched; and such like. Instruments also which generate heat only by motion. And farther, places for strong insolations: and again, places under the earth, which, by nature or art, yield heat. These divers heats we use, as the nature of the operation which we intend requireth.

"We have also perspective houses, where we make demonstrations of all lights and radiations; and of all colours; and out of things uncoloured and transparent, we can represent unto you all several colours: not in rainbows, as it is in gems and prisms, but of themselves single. We represent also all multiplications of light, which we carry to great distance; and make so sharp, as to discern small points and lines: also all colorations of light: all delusions and deceits of the sight, in figures, magnitudes, motions, colours: all demonstrations of shadows. We find also divers means yet unknown to you, of producing of light originally from divers bodies. We procure means of seeing objects afar off; as in the heaven and remote places; and represent things near as far off; and things afar off as near; making feigned distances. We have also helps for the sight, far above spectacles and glasses in use. We have also glasses and means, to see small and minute bodies perfectly and distinctly; as the shapes and colours of small flies and worms, grains, and flaws in gems, which cannot otherwise be seen; observations in urine and blood, not otherwise to be seen. We make artificial rainbows, halos, and circles about light. We represent also all manner of reflections, refractions, and multiplications of visual beams of objects.

"We have also precious stones of all kinds, many of them of great beauty, and to you unknown; crystals likewise; and glasses of divers kinds; and amongst them some of metals vitrificated, and other materials, besides those of which you make glass. Also a number of fossils, and imperfect minerals, which you have not. Likewise loadstones of prodigious virtue; and other rare stones, both natural and artificial.

"We have also sound-houses, where we practise and demonstrate all sounds, and their generation. We have harmonies which you have not, of quarter-sounds, and lesser slides of sounds. Divers instruments of music likewise to you unknown, some sweeter than any you have; together with bells and rings that are dainty and sweet. We represent small sounds as great and deep; likewise great sounds extenuate and sharp; we make divers tremblings and warblings of sounds, which in their original are entire. We represent and imitate all articulate sounds and letters, and the voices and notes of beasts and birds. We have certain helps, which set to the ear do farther the hearing greatly. We have also divers strange and artificial echos, reflecting the voice many times, and as it were tossing it: and some that give back the voice louder than it came; some shriller, and some deeper; yea, some rendering the voice differing in the letters or articulate sound from that they receive. We have also means to convey sounds in trunks and pipes, in strange lines and distances.

"We have also perfume-houses; wherewith we join also practices of taste. We multiply smells, which may seem strange. We imitate smells, making all smells to breathe out of other mixtures than those that give them. We make divers imitations of taste likewise, so that they will deceive any man's taste. And in this house we contain also a confiture-house; where we make all sweet-meats, dry and moist; and divers pleasant wines, milks, broths, and salads, in far greater variety than you have.

"We have also engine-houses, where are prepared engines and instruments for all sorts of motions. There we imitate and practise to make swifter motions than any you have, either out of your muskets, or any engine that you have; and to make them, and multiply them more easily, and with small force, by wheels and other means: and to make them stronger, and more violent than yours are; exceeding your greatest cannons and basilisks. We represent also ordnance and instruments of war, and engines of all kinds: and likewise new mixtures and compositions of gun-powder, wild-fires burning in water, and unquenchable. Also fire-works of all variety both for pleasure and use. We imitate also flights of birds; we have some degrees of flying in the air; we have ships and boats for going under water, and brooking of seas; also swimming-girdles and supporters. We have divers curious clocks, and other like motions of return, and some perpetual motions. We imitate also motions of living creatures, by images of men, beasts, birds, fishes, and serpents; we have also a great number of other various motions, strange for equality, fineness, and subtilty.

"We have also a mathematical house, where are represented all instruments, as well of geometry as astronomy, exquisitely made.

"We have also houses of deceits of the senses, where we represent all manner of feats of juggling, false apparitions, impostures, and illusions; and their fallacies. And surely you will easily believe, that we that have so many things truly natural, which induce admiration, could in a world of particulars deceive the senses, if we would disguise those things, and labour to make them seem more miraculous

But we do hate all impostures and lies: insomuch as we have severely forbidden it to all our fellows, under pain of ignominy and fines, that they do not show any natural work or thing, adorned or swelling; but only pure as it is, and without all affectation of strangeness.

"These are, my son, the riches of Solomon's House.

"For the several employments and offices of our fellows; we have twelve that sail into foreign countries, under the names of other nations, for our own we conceal, who bring us the books, and abstracts, and patterns of experiments of all other parts. These we call merchants of light.

"We have three that collect the experiments which are in all books. These we call depredators.

"We have three that collect the experiments of all mechanical arts; and also of liberal sciences; and also of practices which are not brought into arts. These we call mystery-men.

"We have three that try new experiments, such as themselves think good. These we call pioneers or miners.

"We have three that draw the experiments of the former four into titles, and tables, to give the better light for the drawing of observations and axioms out of them. These we call compilers.

"We have three that bend themselves, looking into the experiments of their fellows, and cast about how to draw out of them things of use and practice for man's life and knowledge, as well for works, as for plain demonstration of causes, means of natural divinations, and the easy and clear discovery of the virtues and parts of bodies. These we call dowrymen or benefactors.

"Then after divers meetings and consults of our whole number, to consider of the former labours and collections, we have three that take care, out of them, to direct new experiments, of a higher light, more penetrating into nature than the former. These we call lamps.

"We have three others that do execute the experiments so directed, and report them. These we call inoculators.

"Lastly, we have three that raise the former discoveries by experiments into greater observations, axioms, and aphorisms. These we call interpreters of nature.

"We have also, as you must think, novices and apprentices, that the succession of the former employed men do not fail: besides a great number of servants, and attendants, men and women. And this we do also: we have consultations, which of the inventions and experiences which we have discovered shall be published, and which not: and take all an oath of secrecy, for the concealing of those which we think fit to keep secret: though some of those we do reveal sometimes to the state, and some not.

"For our ordinances and rites: we have two very long and fair galleries: in one of these we place patterns and samples of all manner of the more rare and excellent inventions; in the other we place the statues of all principal inventors. There we have the statue of your Columbus, that discovered the West Indies: also the inventor of ships: your monk that was the inventor of ordnance, and of gunpowder: the inventor of music: the inventor of letters: the inventor of printing: the inventor of observations of astronomy: the inventor of works in metal: the inventor of glass: the inventor of silk of the worm: the inventor of wine: the inventor of corn and bread: the inventor of sugars: and all these by more certain tradition than you have. Then have we divers inventors of our own of excellent works; which since you have not seen, it were too long to make descriptions of them; and besides, in the right understanding of those descriptions, you might easily err. For upon every invention of value, we erect a statue to the inventor, and give him a liberal and honourable reward. These statues are, some of brass; some of marble and touchstone; some of cedar, and other special woods gilt and adorned; some of iron; some of silver; some of gold.

"We have certain hymns and services, which we say daily, of laud and thanks to God for his marvellous works: and forms of prayers, imploring his aid and blessing for the illumination of our labours; and the turning of them into good and holy uses.

"Lastly, we have circuits or visits of divers principal cities of the kingdom; where, as it cometh to pass, we do publish such new profitable inventions as we think good. And we do also declare natural divinations of diseases, plagues, swarms of hurtful creatures, scarcity, tempests, earthquakes, great inundations, comets, temperature of the year, and divers other things; and we give counsel thereupon what the people shall do for the prevention and remedy of them."

And when he had said this, he stood up; and I, as I had been taught, kneeled down; and he laid his right hand upon my head and said: "God bless thee, my son, and God bless this relation which I have made. I give thee leave to publish it for the good of other nations; for we here are in God's bosom, a land unknown." And so he left me; having assigned a value of about two thousand ducats, for a bounty to me and my fellows. For they give great largesses where they come upon all occasions.

[*The rest was not perfected.*]

MR. BACON

IN PRAISE OF KNOWLEDGE.

SILENCE were the best celebration of that which I mean to commend; for who would not use silence, where silence is not made? and what crier can make silence in such a noise and tumult of vain and popular opinions? My praise shall be dedicated to the mind itself. The mind is the man, and the knowledge of the mind. A man is but what he knoweth. The mind itself is but an accident to knowledge; for knowledge is a double of that which is. The truth of being, and the truth of knowing, is all one. And the pleasures of the affections greater than the pleasures of the senses. And are not the pleasures of the intellect greater than the pleasures of the affections? Is it not a true and only natural pleasure, whereof there is no satiety? Is it not knowledge that doth alone clear the mind of all perturbations? How many things are there which we imagine not? How many things do we esteem and value otherwise than they are? This ill-proportioned estimation, these vain imaginations, these be the clouds of error that turn into the storms of perturbation. Is there any such happiness as for a man's mind to be raised above the confusion of things; where he may have the prospect of the order of nature, and the error of men? Is this but a vein only of delight, and not of discovery? of contentment, and not of benefit? Shall we not as well discern the riches of nature's warehouse, as the benefit of her shop? Is truth ever barren? Shall he not be able thereby to produce worthy effects, and to endow the life of man with infinite commodities? But shall I make this garland to be put upon a wrong head? Would any body believe me, if I should verify this, upon the knowledge that is now in use? Are we the richer by one poor invention, by reason of all the learning that hath been these many hundred years? The industry of artificers maketh some small improvement of things invented; and chance sometimes in experimenting maketh us to stumble upon somewhat which is new: but all the disputation of the learned never brought to light one effect of nature before unknown. When things are known and found out, then they can descant upon them, they can knit them into certain causes, they can reduce them to their principles. I any instance of experience stand against them, the can range it in order by some distinctions. But al this is but a web of the wit, it can work nothing. do not doubt but that common notions which we cal reason, and the knitting of them together, which w call logic, are the art of reason and studies. Bu they rather cast obscurity, than gain light to th contemplation of nature. All the philosophy o nature which is now received, is either the philoso phy of the Grecians, or that other of the alchemist That of the Grecians hath the foundations in words in ostentation, in confutation, in sects, in schools, i disputations. The Grecians were, as one of them selves saith, "you Grecians, ever children." The knew little antiquity; they knew, except fables, no much above five hundred years before themselves They knew but a small portion of the world. Tha of the alchemists hath the foundation in imposture in auricular traditions and obscurity. It was catch ing hold of religion, but the principle of it is, "Po pulus vult decipi." So that I know no great differ ence between these great philosophers, but that th one is a loud crying folly, and the other is a whis pering folly. The one is gathered out of a few vulgar observations, and the other out of a few experiments of a furnace. The one never faileth to multiply words, and the other ever faileth t multiply gold. Who would not smile at Aristotle when he admireth the eternity and invariablenes of the heavens, as there were not the like in th bowels of the earth? Those be the confines an borders of these two kingdoms, where the continua alteration and incursion are. The superficies an upper parts of the earth are full of varieties. Th superficies and lower parts of the heavens, which w call the middle region of the air, is full of variety There is much spirit in the one part, that cannot b brought into mass. There is much massy body in th other place, that cannot be refined to spirit. Th common air is as the waste ground between the bor ders. Who would not smile at the astronomers, I mean not these few carmen which drive the earth about, but the ancient astronomers, which feign th

moon to be the swiftest of the planets in motion, and the rest in order, the higher the slower; and so are compelled to imagine a double motion: whereas how evident is it, that that which they call a contrary motion, is but an abatement of motion. The fixed stars overgo Saturn, and so in them and the rest all is but one motion, and the nearer the earth the slower. A motion also whereof air and water do participate, though much interrupted. But why do I in a conference of pleasure enter into these great matters, in sort that pretending to know much, I should forget what is seasonable? Pardon me, it was because all things may be endowed and adorned with speeches, but knowledge itself is more beautiful than any apparel of words that can be put upon it. And let not me seem arrogant without respect to these great reputed authors. Let me so give every man his due, as I give Time his due, which is to discover truth. Many of these men had great wits, far above mine own, and so are many in the universities of Europe at this day. But alas, they learn nothing there but to believe: first to believe that others know that which they know not; and after themselves know that which they know not. But indeed facility to believe, impatience to doubt, temerity to answer, glory to know, doubt to contradict, end to gain, sloth to search, seeking things in words, resting in part of nature; these and the like, have been the things which have forbidden the happy match between the mind of man and the nature of things; and in place thereof have married it to vain notions and blind experiments: and what the posterity and issue of so honourable a match may be, it is not hard to consider. Printing, a gross invention; artillery, a thing that lay not far out of the way; the needle, a thing partly known before: what a change have these three made in the world in these times; the one in state of learning, the other in the state of war, the third in the state of treasure, commodities, and navigation! And those, I say, were but stumbled upon and lighted upon by chance. Therefore, no doubt, the sovereignty of man lieth hid in knowledge; wherein many things are reserved, which kings with their treasure cannot buy, nor with their force command; their spials and intelligencers can give no news of them, their seamen and discoverers cannot sail where they grow: now we govern nature in opinions, but we are thrall unto her in necessity; but if we would be led by her in invention, we should command her in action.

VALERIUS TERMINUS

OF

THE INTERPRETATION OF NATURE:

WITH THE

ANNOTATIONS OF HERMES STELLA.

A FEW FRAGMENTS OF THE FIRST BOOK

[None of the Annotations of Stella are set down in these Fragments.]

CHAPTER I.

Of the limits and end of knowledge.

In the divine nature, both religion and philosophy hath acknowledged goodness in perfection, science or providence comprehending all things, and absolute sovereignty or kingdom. In aspiring to the throne of power, the angels transgressed and fell; in presuming to come within the oracle of knowledge, man transgressed and fell; but in pursuit towards the similitude of God's goodness or love, which is one thing, for love is nothing else but goodness put in motion or applied, neither man or spirit ever hath transgressed, or shall transgress.

The angel of light that was, when he presumed before his fall, said within himself, "I will ascend and be like unto the Highest;" not God, but the Highest. To be like to God in goodness, was no part of his emulation: knowledge, being in creation an angel of light, was not the want which did most solicit him; only because he was a minister he aimed at a supremacy; therefore his climbing or ascension was turned into a throwing down or precipitation.

Man on the other side, when he was tempted before he fell, had offered unto him this suggestion, "that he should be like unto God." But how? not simply, but in this part, "knowing good and evil." For being in his creation invested with sovereignty of all inferior creatures, he was not needy of power or dominion. But again, being a spirit newly enclosed in a body of earth, he was fittest to be allured with appetite of light and liberty of knowledge. Therefore this approaching and intruding into God's secrets and mysteries, was rewarded with a farther removing and estranging from God's presence. But as to the goodness of God, there is no danger in contending or advancing towards a similitude thereof; as that which is open and propounded to our imitation. For that voice, whereof the heathen and all other errors of religion have ever confessed that it sounds not like man, "Love your enemies be you like unto your heavenly Father, that suffereth his rain to fall both upon the just and the unjust," doth well declare, that we can in that point commit no excess. So again we find it often repeated in the old law, "Be you holy as I am holy;" and what is holiness else but goodness, as we consider it separate, and guarded from all mixture, and all access of evil?

Wherefore seeing that knowledge is of the number of those things which are to be accepted of with caution and distinction; being now to open a fountain, such as it is not easy to discern where the issues and streams thereof will take and fall; I thought it good and necessary in the first place, to make a strong and sound head or bank to rule and guide the course of the waters; by setting down this position or firmament, namely, "That all knowledge is to be limited by religion, and to be referred to use and action."

For if any man shall think, by view and inquiry into these sensible and material things, to attain to any light for the revealing of the nature or will of God; he shall dangerously abuse himself. It is true, that the contemplation of the creatures of God hath for end, as to the natures of the creatures themselves, knowledge; but as to the nature of God, no knowledge, but wonder: which is nothing else but contemplation broken off, or losing itself. Nay farther, as it was aptly said by one of Plato's school, "The sense of man resembles the sun, which openeth and revealeth the terrestrial globe, but obscureth and concealeth the celestial;" so doth the sense discover natural things, but darken and shut up divine. And this appeareth sufficiently in that there is no proceeding in invention of knowledge, but by similitude; and God is only self-like, having nothing in common with any creature, otherwise than as in shadow and trope. Therefore attend his will as himself openeth it, and give unto faith that which unto faith belongeth; for more worthy it is to be-

here, than to think or know, considering that in knowledge, as we now are capable of it, the mind suffereth from inferior natures; but in all belief it suffereth from a spirit, which it holdeth superior, and more authorized than itself.

To conclude; the prejudice hath been infinite, that both divine and human knowledge hath received by the intermingling and tempering the one with the other: as that which hath filled the one full of heresies, and the other full of speculative fictions and vanities.

But now there are again, which, in a contrary extremity to those which give to contemplation an over-large scope, do offer too great a restraint to natural and lawful knowledge; being unjustly jealous that every reach and depth of knowledge wherewith their conceits have not been acquainted, should be too high an elevation of man's wit, and a searching and ravelling too far into God's secrets; an opinion that ariseth either of envy, which is proud weakness, and to be censured and not confuted, or else of a deceitful simplicity. For if they mean that the ignorance of a second cause doth make men more devoutly to depend upon the providence of God, as supposing the effects to come immediately from his hand; I demand of them, as Job demanded of his friends, "Will you lie for God, as man will for man to gratify him?" But if any man, without any sinister humour, doth indeed make doubt that this digging farther and farther into the mine of natural knowledge, is a thing without example, and uncommended in the Scriptures, or fruitless; let him remember and be instructed: for behold it was not that pure light of natural knowledge, whereby man in paradise was able to give unto every living creature a name according to his propriety, which gave occasion to the fall; but it was an aspiring desire to attain to that part of moral knowledge, which defineth of good and evil, whereby to dispute God's commandments, and not to depend upon the revelation of his will, which was the original temptation. And the first holy records, which within those brief memorials of things which passed before the flood, entered few things as worthy to be registered, but only lineages and propagations, yet nevertheless honour the remembrance of the inventor both of music and works in metal. Moses again, who was the reporter, is said to have been seen in all the Ægyptian learning, which nation was early and leading in matter of knowledge. And Solomon the king, as out of a branch of his wisdom extraordinarily petitioned and granted from God, is said to have written a natural history of all that is green, from the cedar to the moss, which is but a rudiment between putrefaction and an herb, and also of all that liveth and moveth. And if the book of Job be turned over, it will be found to have much aspersion of natural philosophy. Nay, the same Solomon the king affirmeth directly, that the glory of God "is to conceal a thing, but the glory of the king is to find it out," as if, according to the innocent play of children, the Divine Majesty took delight to hide his works, to the end to have them found out; for in naming the king he intendeth man, taking such a condition of man as hath most excellency and greatest commandment of wits and means, alluding also to his own person, being truly one of those clearest burning lamps, whereof himself speaketh in another place, when he saith, "The spirit of man is as the lamp of God, wherewith he searcheth all inwardness;" which nature of the soul the same Solomon holding precious and inestimable, and therein conspiring with the affection of Socrates, who scorned the pretended learned men of his time for raising great benefit of their learning, whereas Anaxagoras contrariwise, and divers others, being born to ample patrimonies, decayed them in contemplation, delivereth it in precept yet remaining, "Buy the truth, and sell it not;" and so of wisdom and knowledge.

And lest any man should retain a scruple, as if this thirst of knowledge were rather a humour of the mind, than an emptiness or want in nature, and an instinct from God; the same author defineth of it fully, saying, "God hath made every thing in beauty according to season; also he hath set the world in man's heart, yet can he not find out the work which God worketh from the beginning to the end:" declaring not obscurely that God hath framed the mind of man as a glass, capable of the image of the universal world, joying to receive the signature thereof, as the eye is of light; yea, not only satisfied in beholding the variety of things, and vicissitude of times, but raised also to find out and discern those ordinances and decrees, which throughout all these changes are infallibly observed. And although the highest generality of motion, or summary law of nature, God should still reserve within his own curtain; yet many and noble are the inferior and secondary operations which are within man's sounding. This is a thing which I cannot tell whether I may so plainly speak as truly conceive, that as all knowledge appeareth to be a plant of God's own planting, so it may seem the spreading and flourishing, or at least the bearing and fructifying of this plant, by a providence of God, nay not only by a general providence, but by a special prophecy, was appointed to this autumn of the world: for to my understanding, it is not violent to the letter, and safe now after the event, so to interpret that place in the prophecy of Daniel, where, speaking of the latter times, it is said, "Many shall pass to and fro, and science shall be increased;" as if the opening of the world by navigation and commerce, and the farther discovery of knowledge, should meet in one time or age.

But howsoever that be, there are besides the authorities of Scriptures before recited, two reasons of exceeding great weight and force, why religion should dearly protect all increase of natural knowledge: the one, because it leadeth to the greater exaltation of the glory of God; for as the Psalms and other scriptures do often invite us to consider, and to magnify the great and wonderful works of God; so if we should rest only in the contemplation of those shows which first offer themselves to our senses, we should do a like injury to the majesty of God, as if we should judge of the store of some excellent jeweller, by that only which is set out to the

street in his shop. The other reason is, because it is a singular help and a preservative against unbelief and error; for, saith our Saviour, "You err, not knowing the Scriptures, nor the power of God;" laying before us two books or volumes to study, if we will be secured from error; first the Scriptures revealing the will of God, and then the creatures expressing his power; for that latter book will certify us, that nothing which the first teacheth shall be thought impossible. And most sure it is, and a true conclusion of experience, that a little natural philosophy inclineth the mind to atheism, but a farther proceeding bringeth the mind back to religion.

To conclude then: Let no man presume to check the liberality of God's gifts, who, as was said, "hath set the world in man's heart." So as whatsoever is not God, but parcel of the world, he hath fitted it to the comprehension of man's mind, if man will open and dilate the powers of his understanding as he may.

But yet evermore it must be remembered, that the least part of knowledge passed to man by this so large a charter from God, must be subject to that use for which God hath granted it, which is the benefit and relief of the state and society of man; for otherwise all manner of knowledge becometh malign and serpentine, and therefore, as carrying the quality of the serpent's sting and malice, it maketh the mind of man to swell; as the Scripture saith excellently, "Knowledge bloweth up, but charity buildeth up." And again, the same author doth notably disavow both power and knowledge, such as is not dedicated to goodness or love; for saith he, "If I have all faith, so as I could remove mountains," there is power active; "if I render my body to the fire," there is power passive; "if I speak with the tongues of men and angels," there is knowledge, for language is but the conveyance of knowledge, "all were nothing."

And therefore it is not the pleasure of curiosity, nor the quiet of resolution, nor the raising of the spirit, nor victory of wit, nor faculty of speech, nor lucre of profession, nor ambition of honour or fame, or enablement for business, that are the true ends of knowledge; some of these being more worthy than other, though all inferior and degenerate: but it is a restitution and reinvesting, in great part, of man to the sovereignty and power, for whensoever he shall be able to call the creatures by their true names, he shall again command them, which he had in his first state of creation. And to speak plainly and clearly, it is a discovery of all operations and possibilities of operations from immortality, if it were possible, to the meanest mechanical practice. And therefore knowledge, that tendeth but to satisfaction, is but as a courtesan, which is for pleasure, and not for fruit or generation. And knowledge that tendeth to profit, or profession, or glory, is but as the golden ball thrown before Atalanta; which while she goeth aside, and stoopeth to take up, she hindereth the race. And knowledge referred to some particular point of use, is but as Harmodius, which putteth down one tyrant; and not like Hercules, who did perambulate the world to suppress tyrants and giants and monsters in every part.

It is true, that in two points the curse is peremptory, and not to be removed; the one, that vanity must be the end in all human effects; eternity being resumed, though the revolutions and periods may be delayed. The other, that the consent of the creature being now turned into reluctation, this power cannot otherwise be exercised and administered but with labour, as well in inventing as in executing; yet nevertheless chiefly that labour and travel which is described by the sweat of the brows, more than of the body; that is, such travel as is joined with the working and discursion of the spirits in the brain: for as Solomon saith excellently, "The fool putteth to more strength, but the wise man considereth which way;" signifying the election of the mean to be more material than the multiplication of endeavour. It is true also that there is a limitation rather potential than actual, which is when the effect is possible, but the time or place yieldeth not the matter or basis whereupon man should work. But notwithstanding these precincts and bounds, let it be believed, and appeal thereof made to time, with renunciation nevertheless to all the vain and abusing promises of alchemists and magicians, and such like light, idle, ignorant, credulous, and fantastical wits and sects, that the newfound world of land was not greater addition to the ancient continent, than there remaineth at this day a world of inventions and sciences unknown, having respect to those that are known, with this difference, that the ancient regions of knowledge will seem as barbarous, compared with the new; as the new regions of people seem barbarous, compared to many of the old.

The dignity of this end, of endowment of man's life with new commodities, appeareth by the estimation that antiquity made of such as guided thereunto; for whereas founders of states, lawgivers, extirpers of tyrants, fathers of the people, were honoured but with the titles of worthies or demi-gods, inventors were ever consecrated amongst the gods themselves. And if the ordinary ambitions of men lead them to seek the amplification of their own power in their countries, and a better ambition than that hath moved men to seek the amplification of the power of their own countries amongst other nations; better again and more worthy must that aspiring be, which seeketh the amplification of the power and kingdom of mankind over the world: the rather, because the other two prosecutions are ever culpable of much perturbation and injustice; but this is a work truly divine, which cometh in aura leni, without noise or observation.

The access also to this work hath been by that port or passage, which the Divine Majesty, who is unchangeable in his ways, doth infallibly continue and observe; that is, the felicity wherewith he hath blessed an humility of mind, such as rather laboureth to spell, and so by degrees to read in the volumes of his creatures, than to solicit and urge, and as it were to invocate a man's own spirit to divine, and give oracles unto him. For as in the inquiry of divine truth, the pride of man hath ever inclined to leave the oracles of God's word, and to vanish in

the mixture of their own inventions; so in the selfsame manner, in inquisition of nature, they have ever left the oracles of God's works, and adorned the deceiving and deformed imagery, which the unequal mirrors of their own minds have represented unto them. Nay, it is a point fit and necessary in the front, and beginning of this work, without hesitation or reservation to be professed, that it is no less true in this human kingdom of knowledge, than in God's kingdom of heaven, that no man shall enter into it, "except he become first as a little child."

Of the impediments of knowledge.

Being the IVth chapter, the preface only of it.

In some things it is more hard to attempt than to achieve; which falleth out, when the difficulty is not so much in the matter or subject, as it is in the crossness and indisposition of the mind of man to think of any such thing, to will or to resolve it; and therefore Titus Livius in his declamatory digressions, wherein he doth depress and extenuate the honour of Alexander's conquests, saith, "Nihil aliud quam bene ausus vana contemnere:" in which sort of things it is the manner of men first to wonder that any such thing should be possible, and after it is found out, to wonder again how the world should miss it so long. Of this nature I take to be the invention and discovery of knowledge, &c.

The impediments which have been in the times, and in diversion of wits.

Being the Vth chapter, a small fragment in the beginning of that chapter.

The encounters of the times have been nothing favourable and prosperous for the invention of knowledge, so as it is not only the daintiness of the seed to take, and the ill mixture and unliking of the ground to nourish or raise this plant, but the ill season also of the weather, by which it hath been checked and blasted. Especially in that the seasons have been proper to bring up and set forward other more hasty and indifferent plants, whereby this of knowledge hath been starved and overgrown; for in the descent of times always there hath been somewhat else in reign and reputation, which hath generally aliened and diverted wits and labours from that employment.

For as for the uttermost antiquity, which is like fame that muffles her head, and tells tales, I cannot presume much of it; for I would not willingly imitate the manner of those that describe maps, which when they come to some far countries, whereof they have no knowledge, set down how there be great wastes and deserts there: so I am not apt to affirm that they knew little, because what they knew is little known to us. But if you will judge of them by the last traces that remain to us, you will conclude, though not so scornfully as Aristotle doth, that saith our ancestors were extreme gross, as those that came newly from being moulded out of the clay, or some earthly substance; yet reasonably and probably thus, that it was with them in matter of knowledge, but as the dawning or break of day. For at that time the world was altogether home-bred, every nation looked little beyond their own confines or territories, and the world had no thorough lights then, as it hath had since by commerce and navigation, whereby there could neither be that contribution of wits one to help another, nor that variety of particulars for the correcting the customary conceits.

And as there could be no great collection of wits of several parts or nations, so neither could there be any succession of wits of several times, whereby one might refine the other, in regard they had not history to any purpose. And the manner of their traditions was utterly unfit and unproper for amplification of knowledge. And again, the studies of those times, you shall find, besides wars, incursions, and rapines, which were then almost every where betwixt states adjoining, the use of leagues and confederacies being not then known, were to populate by multitude of wives and generation, a thing at this day in the waster part of the West-Indies principally effected; and to build, sometimes for habitation, towns and cities; sometimes for fame and memory, monuments, pyramids, colosses, and the like. And if there happened to rise up any more civil wits; then would he found and erect some new laws, customs, and usages, such as now of late years, when the world was revolute almost to the like rudeness and obscurity, we see both in our own nation and abroad many examples of, as well in a number of tenures reserved upon men's lands, as in divers customs of towns and manors, being the devises that such wits wrought upon in such times of deep ignorance, &c.

The impediments of knowledge for want of a true succession of wits, and that hitherto the length of one man's life hath been the greatest measure of knowledge.

Being the VIth chapter, the whole chapter.

In arts mechanical the first devise cometh shortest, and time addeth and perfecteth. But in sciences of conceit, the first author goeth farthest, and time leeseth and corrupteth. Painting, artillery, sailing, and the like, grossly managed at first, by time accommodate and refined. The philosophies and sciences of Aristotle, Plato, Democritus, Hippocrates, of most vigour at first, by time degenerated and imbased. In the former, many wits and industries contributed in one. In the latter many men's wits spent to deprave the wit of one.

The error is both in the deliverer and in the receiver. He that delivereth knowledge, desireth to deliver it in such form as may be soonest believed, and not as may easiliest be examined. He that receiveth knowledge desireth rather present satisfaction than expectant search, and so rather not to doubt than not to err. Glory maketh the author not to lay open his weakness: and sloth maketh the disciple not to know his strength.

Then begin men to aspire to the second prizes,

to be a profound interpreter and commenter, to be a sharp champion and defender, to be a methodical compounder and abridger. And this is the unfortunate succession of wits which the world hath yet had, whereby the patrimony of all knowledge goeth not on husbanded or improved, but wasted and decayed. For knowledge is like a water, that will never arise again higher than the level from which it fell. And therefore to go beyond Aristotle by the light of Aristotle, is to think that a borrowed light can increase the original light from whom it is taken. So then, no true succession of wits having been in the world; either we must conclude, that knowledge is but a task for one man's life, and then vain was the complaint, that "life is short, and art is long:" or else, that the knowledge that now is, is but a shrub; and not that tree which is never dangerous, but where it is to the purpose of knowing good and evil; which desire ever riseth upon an appetite to elect, and not to obey, and so containeth in it a manifest defection.

That the pretended succession of wits hath been evil placed, forasmuch as after variety of sects and opinions, the most popular and not the truest prevaileth and weareth out the rest.

Being the VIIth chapter, a fragment.

It is sensible to think, that when men enter first into search and inquiry, according to the several frames and compositions of their understanding, they light upon differing conceits, and so all opinions and doubts are beaten over; and then men having made a taste of all, wax weary of variety, and so reject the worst, and hold themselves to the best, either some one if it be eminent; or some two or three, if they be in some equality; which afterwards are received and carried on, and the rest extinct.

But truth is contrary: and that time is like a river, which carrieth down things which are light and blown up, and sinketh and drowneth that which is sad and weighty. For howsoever governments have several forms, sometimes one governing, sometimes few, sometimes the multitude; yet the state of knowledge is ever a democracy, and that prevaileth which is most agreeable to the senses and conceits of people. As for example, there is no great doubt, but he that did put the beginnings of things to be solid, void, and motion to the centre, was in better earnest than he that put matter, form, and shift; or he that put the mind, motion, and matter. For no man shall enter into inquisition of nature, but shall pass by that opinion of Democritus; whereas he shall never come near the other two opinions, but leave them aloof, for the schools and table-talk. Yet those of Aristotle and Plato, because they be both agreeable to popular sense, and the one was uttered with subtilty and the spirit of contradiction, and the other with a style of ornament and majesty, did hold out, and the other give place, &c.

Of the impediments of knowledge, in handling it by parts, and in slipping off particular sciences from the root and stock of universal knowledge.

Being the VIIIth chapter, the whole chapter.

Cicero the orator, willing to magnify his own profession, and thereupon spending many words to maintain that eloquence was not a shop of good words and elegancies, but a treasury and receipt of all knowledges, so far forth as may appertain to the handling and moving of the minds and affections of men by speech; maketh great complaint of the school of Socrates; that whereas before his time the same professors of wisdom in Greece did pretend to teach an universal sapience and knowledge both of matter and words, Socrates divorced them and withdrew philosophy, and left rhetoric to itself which by that destitution became but a barren and unnoble science. And in particular sciences we see that if men fall to subdivide their labours, as to be an oculist in physic, or to be perfect in some one title of the law, or the like, they may prove ready and subtile, but not deep or sufficient, no, not in the subject which they do particularly attend, because of that consent which it hath with the rest. And it is a matter of common discourse, of the chain of sciences, how they are linked together, insomuch as the Grecians, who had terms at will, have fitted it of a name of Circle-Learning. Nevertheless, I think hold it for a great impediment towards the advancement and farther invention of knowledge, that particular arts and sciences have been disincorporate from general knowledge, do not understand one and the same thing, which Cicero's discourse and the note and conceit of the Grecians in their word Circle-Learning do intend. For I mean not that use which one science hath of another for ornament or help in practice, as the orator hath of knowledge of affections for moving, or as military science may have use of geometry for fortifications; but I mean it directly of that use by way of supply of light and information, which the particulars and instances of one science do yield and present for the framing or correcting of the axioms of another science in the very truth and notion. And therefore that example of oculists and title lawyers doth come nearer my conceit than the other two; for sciences distinguished have a dependence upon universal knowledge to be augmented and rectified by the superior light thereof; as well as the parts and members of a science have upon the maxims of the same science, and the mutual light and consent which one part received of another. And therefore the opinion of Copernicus in astronomy, which astronomy itself cannot correct, because it is not repugnant to any of the appearances; yet natural philosophy doth correct. On the other side, if some of the ancient philosophers had been perfect in their observations of astronomy and had called them to counsel when they made their principles and first axioms, they would never have divided their philosophy, as the cosmographers do their descriptions by globes, making one philosophy for heaven, and another for under heaven, as in effect they do.

So if the moral philosophers, that have spent such an infinite quantity of debate touching good and the highest good, had cast their eye abroad upon nature, and beheld the appetite that is in all things to receive and to give; the one motion affecting preservation, and the other multiplication; which appetites are most evidently seen in living creatures, in the pleasure of nourishment and generation; and in man do make the aptest and most natural division of all his desires, being either of sense of pleasure, or sense of power; and in the universal frame of the world are figured, the one in the beams of heaven which issue forth, and the other in the lap of the earth which takes in: and again, if they had observed the motion of congruity, or situation of the parts in respect of the whole, evident in so many particulars: and lastly, if they had considered the motion, familiar in attraction of things, to approach to that which is higher in the same kind: when, by these observations, so easy and concurring in natural philosophy, they should have found out this quaternion of good, in enjoying or fruition, effecting or operation, consenting or proportion, and approach or assumption; they would have saved and abridged much of their long and wandering discourses of pleasure, virtue, duty, and religion. So likewise in this same logic and rhetoric, or arts of argument and grace of speech, if the great masters of them would but have gone a form lower, and looked but into the observations of grammar concerning the kinds of words, their derivations, declensions, and syntax, specially enriching the same, with the helps of several languages, with their differing proprieties of words, phrases, and tropes; they might have found out more and better footsteps of common reason, help of disputation, and advantages of cavillation, than many of these which they have propounded. So again, a man should be thought to dally, if he did note how the figures of rhetoric and music are many of them the same. The repetitions and traductions in speech, and the reports and hauntings of sounds in music, are the very same things. Plutarch hath almost made a book of the Lacedæmonian kind of jesting, which joined every pleasure with distaste. "Sir," said a man of art to Philip king of Macedon, when he controlled him in his faculty, "God forbid your fortune should be such as to know these things better than I." In taxing his ignorance in his art, he represented to him the perpetual greatness of his fortune, leaving him no vacant time for so mean a skill. Now in music it is one of the ordinariest flowers to fall from a discord, or hard tune, upon a sweet accord. The figure that Cicero and the rest commend, as one of the best points of elegancy, which is the fine checking of expectation, is no less well known to the musicians, when they have a special grace in flying the close or cadence. And these are no allusions but direct communities, the same delights of the mind being to be found not only in music, rhetoric, but in moral philosophy, policy, and other knowledges, and that obscure in the one, which is more apparent in the other; yea, and that discovered in the one, which is not found at all in the other; and so one science greatly aiding to the invention and augmentation of another. And therefore, without this intercourse, the axioms of sciences will fall out to be neither full nor true; but will be such opinions, as Aristotle in some places doth wisely censure, when he saith, "These are the opinions of persons that have respect but to a few things." So then we see, that this note leadeth us to an administration of knowledge in some such order and policy, as the king of Spain, in regard of his great dominions, useth in state: who, though he hath particular councils for several countries and affairs, yet hath one council of state, or last resort, that receiveth the advertisements and certificates from all the rest. Hitherto of the diversion, succession, and conference of wits.

That the end and scope of knowledge hath been generally mistaken, and that men were never well advised what it was they sought.

Being the IXth chapter, immediately preceding the Inventory, and inducing the same.

It appeareth then how rarely the wits and labours of men have been converted to the severe and original inquisition of knowledge; and in those who have pretended, what hurt hath been done by the affectation of professors, and the distraction of such as were no professors; and how there was never in effect any conjunction or combination of wits in the first and inducing search, but that every man wrought apart, and would either have his own way, or else would go no farther than his guide, having in the one case the honour of a first, and in the other the ease of a second; and lastly, how in the descent and continuance of wits and labours, the succession hath been in the most popular and weak opinions, like unto the weakest natures, which many times have most children; and in them also the condition of succession hath been rather to defend and to adorn, than to add; and if to add, yet that addition to be rather a refining of a part, than an increase of the whole. But the impediments of time and accidents, though they have wrought a general indisposition, yet are they not so peremptory and binding, as the internal impediments and clouds in the mind and spirit of man, whereof it now followeth to speak.

The Scripture, speaking of the worst sort of error, saith, "Errare fecit eos in invio et non in via." For a man may wander in the way, by rounding up and down; but if men have failed in their very direction and address, that error will never by good fortune correct itself. Now it hath fared with men in their contemplations, as Seneca saith it fareth with them in their actions, "De partibus vitæ quisque deliberat, de summa nemo." A course very ordinary with men who receive for the most part their final ends from the inclination of their nature, or from common example and opinion, never questioning or examining them, or reducing them to any clear certainty; and use only to call themselves to account and deliberation touching the means and second ends, and thereby set themselves in the right way to the wrong place. So likewise upon the natural curiosity and desire to know, they have put themselves in way

without foresight or consideration of their journey's end.

For I find that even those that have sought knowledge for itself and not for benefit, or ostentation, or any practical enablement in the course of their life, have nevertheless propounded to themselves a wrong mark, namely, satisfaction, which men call truth, and not operation. For as in the courts and services of princes and states, it is a much easier matter to give satisfaction than to do the business; so in the inquiring of causes and reasons it is much easier to find out such causes as will satisfy the mind of man, and quiet objections, than such causes as will direct him and give him light to new experiences and inventions. And this did Celsus note wisely and truly, how that the causes which are in use, and whereof the knowledges now received do consist, were in time minors and subsequents to the knowledge of the particulars, out of which they were induced and collected: and that it was not the light of those causes which discovered particulars, but only the particulars being first found, men did fall on glossing and discoursing of the causes; which is the reason, why the learning that now is hath the curse of barrenness, and is courtesan-like, for pleasure, and not for fruit. Nay, to compare it rightly, the strange fiction of the poets of the transformation of Scylla, seemeth to be a lively emblem of this philosophy and knowledge: a fair woman upward in the parts of show, but when you come to the parts of use and generation, barking monsters; for no better are the endless distorted questions, which ever have been, and of necessity must be, the end and womb of such knowledge. . . . . .

But yet, nevertheless, here I may be mistaken, by reason of some which may have much in their pen the referring sciences to action and the use of man, which mean quite another matter than I do. For they mean a contriving of directions, and precepts for readiness of practice, which I discommend not, so it be not occasion that some quantity of the science be lost; for else it will be such a piece of husbandry, as to put away a manor lying somewhat scattered, to buy in a close that lieth handsomely about a dwelling. But my intention contrariwise is to increase and multiply the revenues and possessions of man, and not to trim up only, or order with conveniency the grounds whereof he is already stated. Wherefore the better to make myself understood, that I mean nothing less than words, and directly to demonstrate the point which we are now upon, that is, what is the true end, scope, or office of knowledge, which I have set down to consist not in any plausible, delectable, reverend, or admired discourse, or any satisfactory arguments, but in effecting and working, and in discovery of particulars not revealed before, for the better endowment and help of man's life; I have thought good to make, as it were, a kalendar, or inventory of the wealth, furniture, or means of man, according to his present estate, as far as it is known; which I do not to show any universality of sense or knowledge, and much less to make a satire of reprehension in respect of wants and errors, but partly because cogitations new had need of some grossness and inculcation to make them perceived, and chiefly to the end, that for the time to come, upon the account and state now made and cast up, it may appear what increase this new manner of use and administration of the stock, if it be once planted, shall bring with it hereafter; and for the time present, in case I should be prevented by death to propound and reveal this new light as I purpose, yet I may at the least give some awaking note, both of the wants in man's present condition, and the nature of the supplies to be wished; though for mine own part neither do I much build upon my present anticipations, neither do I think ourselves yet learned or wise enough to wish reasonably; for as it asks some knowledge to demand a question not impertinent; so it asketh some sense, to make a wish not absurd.

The Inventory, or an enumeration and view of inventions already discovered in use, together with a note of the wants, and the nature of the supplies.

Being the Xth chapter; and this a small fragment thereof, being the preface to the Inventory.

The plainest method, and most directly pertinent to this intention, will be to make distribution of sciences, arts, inventions, works, and their portions, according to the use and tribute which they yield and render to the conditions of man's life, and under those several uses, being as several offices of provisions, to charge and tax what may be reasonably exacted or demanded, not guiding ourselves neither by the poverty of experiences and probations, nor according to the vanity of credulous imaginations; and then upon those charges and taxations to distinguish and present, as it were, in several columns, what is extant and already found, and what is defective and farther to be provided: Of which provisions, because in many of them, after the manner of slothful and faulty officers and accomptants, it will be returned, by way of excuse, that no such are to be had, it will be fit to give some light of the nature of the supplies, whereby it will evidently appear, that they are to be compassed and procured. And yet nevertheless on the other side again, it will be as fit to check and control the vain and void assignations and gifts, whereby certain ignorant, extravagant, and abusing wits have pretended to endue the state of man with wonders, differing as much from truth in nature, as Cæsar's Commentaries differeth from the acts of King Arthur, or Huon of Bourdeaux, in story. For it is true that Cæsar did greater things than those idle wits had the audacity to feign their supposed worthies to have done; but he did them not in that monstrous and fabulous manner.

The chapter immediately following the Inventory.

Being the XIth in order, a part thereof.

It appeareth then, what is now in proposition, not by general circumlocution, but by particular note, no former philosophy varied in terms or method; no new placet or speculation upon particulars al-

ready known; no referring to action, by any manual of practice; but the revealing and discovering of new inventions and operations. This to be done without the errors and conjectures of art, or the length or difficulties of experience; the nature and kinds of which inventions have been described as they could be discovered; for your eye cannot pass one kenning without farther sailing: only we have stood upon the best advantages of the notions received, as upon a mount, to show the knowledges adjacent and confining. If therefore the true end of knowledge, not propounded, hath bred large error, the best and perfectest condition of the same end, not perceived, will cause some declination. For when the butt is set up, men need not rove, but except the white be placed, men cannot level. This perfection we mean, not in the worth of the effects, but in the nature of the direction; for our purpose is not to stir up men's hopes, but to guide their travels. The fulness of direction to work, and produce any effect, consisteth in two conditions, certainty and liberty. Certainty is, when the direction is not only true for the most part, but infallible. Liberty is, when the direction is not restrained to some definite means, but comprehendeth all the means and ways possible; for the poet saith well, "Sapientibus undique latæ sunt viæ;" and where there is the greatest plurality of change, there is the greatest singularity of choice. Besides as a conjectural direction maketh a casual effect, so a particular and restrained direction is no less casual than uncertain. For those particular means whereunto it is tied, may be out of your power, or may be accompanied with an overvalue of prejudice: and so if for want of certainty in direction, you are frustrated in success, for want of variety in direction you are stopped in attempt. If therefore your direction be certain, it must refer you, and point you to somewhat, which if it be present, the effect you seek will of necessity follow, else may you perform and not obtain. If it be free, then must it refer you to somewhat, which if it be absent the effect you seek will of necessity withdraw, else may you have power and not attempt. This notion Aristotle had in light, though not in use. For the two commended rules by him set down, whereby the axioms of sciences are precepted to be made convertible, and which the latter men have not without elegancy surnamed, the one the rule of truth, because it preventeth deceit; the other the rule of prudence, because it freeth election; are the same thing in speculation and affirmation, which we now observe. An example will make my meaning attained, and yet percase make it thought that they obtained it not.

Let the effect to be produced be whiteness; let the first direction be, that if air and water be intermingled, or broken in small portion together, whiteness will ensue; as in snow, in the breaking of the waves of the sea and rivers, and the like. This direction is certain, but very particular; and restrained, being tied but to air and water. Let the second direction be, that if air be mingled as before with any transparent body, such nevertheless as is uncoloured and more grossly transparent than air itself, that then, &c. as glass or crystal, being beaten to fine powder, by the interposition of the air becometh white; the white of an egg, being clear of itself, receiving air by agitation becometh white, receiving air by concoction becometh white; here you are freed from water, and advanced to a clear body, and still tied to air. Let the third direction exclude or remove the restraint of an uncoloured body, as in amber, sapphires, &c. which beaten to fine powder, become white in wine and beer; which brought to froth, become white. Let the fourth direction exclude the restraint of a body more grossly transparent than air, as in flame, being a body compounded between air and a finer substance than air: which flame, if it were not for the smoke, which is the third substance that incorporateth itself and dieth, the flame would be more perfect white. In all these four directions air still beareth a part. Let the fifth direction then be, that if any bodies, both transparent, but in an unequal degree, be mingled as before, whiteness will follow: as oil and water beaten to an ointment, though by settling, the air which gathereth in the agitation be evaporate, yet remaineth white: and the powder of glass, or crystal put into water, whereby the air giveth place, yet remaineth white, though not so perfect. Now are you freed from air, but still are you tied to transparent bodies. To ascend farther by scale I do forbear, partly because it would draw on the example to an over-great length, but chiefly because it would open that which in this work I determine to reserve; for to pass through the whole history and observations of colours and objects visible, were too long a digression; and our purpose is now to give an example of a free direction, thereby to distinguish and describe it: and not to set down a form of interpretation how to recover and attain it. But as we intend not now to reveal, so we are circumspect not to mislead; and therefore, this warning being given, returning to our purpose in hand, we admit the sixth direction to be, that all bodies, or parts of bodies, which are unequal equally, that is, in a simple proportion, do represent whiteness; we will explain this, though we induce it not. It is then to be understood, that absolute equality produceth transparence, inequality in simple order or proportion produceth whiteness, inequality in compound or respective order or proportion produceth other colours, and absolute or orderless inequality produceth blackness; which diversity, if so gross a demonstration be needful, may be signified by four tables; a blank, a chequer, a fret, and a medley; whereof the fret is evident to admit great variety. Out of this assertion are satisfied a multitude of effects and observations, as that whiteness and blackness are most incompatible with transparence; that whiteness keepeth light, and blackness stoppeth light, but neither passeth it; that whiteness or blackness are never produced in rainbows, diamonds, crystals, and the like; that white giveth no dye, and black hardly taketh dye; that whiteness seemeth to have an affinity with dryness, and blackness with moisture; that adustion causeth blackness, and calcination whiteness; that flowers are generally of fresh co-

lours, and rarely black, &c. all which I do now mention confusedly by way of derivation, and not by way of induction. The sixth direction, which I have thus explained, is of good and competent liberty, for whiteness fixed and inherent; but not for whiteness fantastical, or appearing, as shall be afterwards touched. But first do you need a reduction back to certainty or verity; for it is not all position or contexture of unequal bodies that will produce colours; for aqua fortis, oil of vitriol, &c. more manifestly, and many other substances more obscurely, do consist of very unequal parts, which yet are transparent and clear. Therefore the reduction must be, that the bodies or parts of bodies so intermingled as before, be of a certain grossness, or magnitude; for the unequalities which move the sight must have a farther dimension and quality, than those which operate many other effects. Some few grains of saffron will give a tincture to a tun of water, but so many grains of civet will give a perfume to a whole chamber of air. And therefore when Democritus, from whom Epicurus did borrow it, held that the position of the solid portions was the cause of colours; yet in the very truth of this assertion he should have added, that the portions are required to be of some magnitude. And this is one cause why colours have little inwardness and necessitude with the nature and properties of things, those things resembling in colour, which otherwise differ most, as salt and sugar: and contrariwise differing in colour, which otherwise resemble most, as the white and blue violets, and the several veins of one agate or marble, by reason that other virtues consist in more subtile proportions than colours do; and yet are there virtues and natures which require a grosser magnitude than colours, as well as scents and divers other require a more subtile; for as the portion of a body will give forth scent, which is too small to be seen, so the portion of a body will show colours, which is too small to be endued with weight; and therefore one of the prophets with great elegancy describing how all creatures carry no proportion towards God the Creator, saith, "that all the nations in respect of him are like the dust upon the balance;" which is a thing appeareth, but weigheth not. But to return, there resteth a farther freeing of this sixth direction: for the clearness of a river or stream showeth white at a distance, and crystalline glasses deliver the face or any other object falsified in whiteness, and long beholding the snow, to a weak eye, giveth an impression of azure, rather than of whiteness. So as for whiteness in apparition only, and representation, by the qualifying of the light, altering the intermedium, or affecting the eye itself, it reacheth not. But you must free your direction to the producing of such an incidence, impression, or operation, as may cause a precise and determinate passion of the eye, a matter which is much more easy to induce than that which we have passed through; but yet because it hath a full coherence both with that act of radiation, which hath hitherto been conceived and termed so unproperly and untruly, by some, an effluxion of spiritual species, and by others, an investing of the intermedium, with a motion which successively is conveyed to the eye, and with the act of sense, wherein I should likewise open that which I think good to withdraw, I will omit.

Neither do I contend, but that this notion, which I call the freeing of a direction in the received philosophies, as far as a swimming anticipation could take hold, might be perceived and discerned; being not much other matter than that which they did not only aim at in the two rules of axioms before remembered, but more nearly also than that which they term the form or formal cause, or that which they call the true difference; both which nevertheless, it seemeth, they propound rather as impossibilities and wishes, than as things within the compass of human comprehension: for Plato casteth his burthen, and saith, "that he will revere him as a God, that can truly divide and define;" which cannot be but by true forms and differences, wherein I join hands with him, confessing as much, as yet assuming to myself little; for if any man can, by the strength of his anticipations, find out forms, I will magnify him with the foremost. But as any of them would say, that if divers things, which many men know by instruction and observation, another knew by revelation, and without those means, they would take him for somewhat supernatural and divine; so I do acknowledge, that if any man can by anticipations reach to that which a weak and inferior wit may attain to by interpretation, he cannot receive too high a title. Nay, I for my part do indeed admire to see how far some of them have proceeded by their anticipations; but how? it is as I wonder at some blind men, to see what shift they make without their eye-sight; thinking with myself that if I were blind, I could hardly do it. Again, Aristotle's school confesseth, that there is no true knowledge but by causes, no true cause but the form, no true form known except one, which they are pleased to allow; and therefore thus far their evidence standeth with us, that both hitherto there hath been nothing but a shadow of knowledge, and that we propound now that which is agreed to be worthiest to be sought, and hardest to be found. There wanteth now a part very necessary, not by way of supply, but by way of caution: for as it is seen for the most part, that the outward tokens and badge of excellency and perfection are more incident to things merely counterfeit, than to that which is true, but for a meaner and baser sort; as a dubline is more like a perfect ruby than a spinel, and a counterfeit angel is made more like a true angel, than if it were an angel coined of China gold; in like manner, the direction carrieth a resemblance of a true direction in verity and liberty, which indeed is no direction at all. For though your direction seem to be certain and free, by pointing you to nature that is unseparable from the nature you inquire upon; yet if it do not carry you on a degree or remove nearer to action, operation, or light, to make or produce, it is but superficial and counterfeit. Wherefore to secure and warrant what is a true direction, though that general note I have given be perspicuous in itself, for a man shall soon cast

with himself, whether he be ever the near to effect and operate or no, or whether he have won but an abstract or varied notion, yet for better instruction I will deliver three particular notes of caution. The first is, that the nature discovered be more original than the nature supposed, and not more secondary, or of the like degree: as to make a stone bright, or to make it smooth, it is a good direction to say, make it even; but to make a stone even, it is no good direction to say, make it bright, or make it smooth: for the rule is, that the disposition of any thing referring to the state of it in itself, or the parts, is more original than that which is relative or transitive towards another thing. So evenness is the disposition of the stone in itself, but smooth is to the hand, and bright to the eye, and yet nevertheless they all cluster and concur; and yet the direction is more unperfect, if it do appoint you to such a relative, as is in the same kind, and not in a diverse. For in the direction, to produce brightness by smoothness, although properly it win no degree, and will never teach you any new particulars before unknown, yet by way of suggestion or bringing to mind, it may draw your consideration to some particulars known but not remembered; as you shall sooner remember some practical means of making smoothness, than if you had fixed your consideration only upon brightness; but if the direction had been to make brightness, by making reflection, as thus, make it such as you may see your face in it; this is merely secondary, and helpeth neither by way of informing, nor by way of suggesting. So if in the inquiry of whiteness you were directed to make such a colour as should be seen farthest in a dark light; here you are advanced nothing at all. For these kinds of natures are but proprieties, effects, circumstances, concurrences, or what else you shall like to call them, and not radical and formative natures towards the nature supposed. The second caution is, that the nature inquired be collected by division before composition, or to speak more properly, by composition subaltern, before you ascend to composition absolute, &c.

Of the internal and profound errors and superstitions in the nature of the mind, and of the four sorts of idols or fictions which offer themselves to the understanding in the inquisition of knowledge.

Being the XVIth chapter, and this a small fragment thereof, being a preface to the inward elenches of the mind.

The opinion of Epicurus, that the gods were of human shape, was rather justly derided than seriously confuted by the other sects, demanding whether every kind of sensible creatures did not think their own figure fairest, as the horse, the bull, and the like, which found no beauty but in their own forms, as in appetite of lust appeared. And the heresy of the Anthropomorphites was ever censured for a gross conceit, bred in the obscure cells of solitary monks that never looked abroad. Again, the fable so well known of "Quis pinxit leonem," doth set forth well, that there is an error of pride and partiality, as well as of custom and familiarity. The reflection also from glasses so usually resembled to the imagery of the mind, every man knoweth to receive error and variety both in colour, magnitude, and shape, according to the quality of the glass. But yet no use hath been made of these and many the like observations to move men to search out, and upon search to give true cautions of the native and inherent errors in the mind of man, which have coloured and corrupted all his notions and impressions.

I do find therefore in this enchanted glass four idols, or false appearances of several and distinct sorts, every sort comprehending many subdivisions: the first sort, I call idols of the nation or tribe; the second, idols of the place; the third, idols of the cave; and the fourth, idols of the theatre, &c.

Here followeth an abridgement of divers chapters of the first book of the INTERPRETATION OF NATURE.

CHAPTER XII.

That in deciding and determining of the truth of knowledge, men have put themselves upon trials not competent. That antiquity and authority, common and confessed notions, the natural and yielding consent of the mind, the harmony and coherence of a knowledge in itself, the establishing of principles with the touch and reduction of other propositions unto them, inductions without instance contradictory, and the report of the senses, are none of them absolute and infallible evidence of truth; and bring no security sufficient for effects and operations. That the discovery of new works or active directions not known before, is the only trial to be accepted of; and yet not that neither, in case where one particular giveth light to another; but where particulars induce an axiom or observation, which axiom found out, discovereth and designeth new particulars. That the nature of this trial is not only upon the point, whether the knowledge be profitable or no, but even upon the point, whether the knowledge be true or no. Not because you may always conclude, that the axiom which discovereth new instances is true; but contrariwise you may safely conclude, that if it discover not any new instance, it is vain and untrue. That by new instances are not always to be understood new recipes, but new assignations; and of the diversity between these two. That the subtilty of words, arguments, notions, yea of the senses themselves, is but rude and gross in comparison of the subtilty of things. And of the slothful and flattering opinions of those which pretend to honour the mind of man in withdrawing and abstracting it from particulars; and of the inducements and motives whereupon such opinions have been conceived and received.

CHAPTER XIII.

Of the error in propounding chiefly the search of causes and productions of things concrete, which are infinite and transitory; and not of abstract natures, which are few and permanent. That these natures

are as the alphabet or simple letters, whereof the variety of things consisteth; or as the colours mingled in the painter's shell, wherewith he is able to make infinite variety of faces or shapes. An enumeration of them according to popular note. That at the first one would conceive that in the schools by natural philosophy were meant the knowledge of the efficients of things concrete; and by metaphysic the knowledge of the forms of natures simple; which is a good and fit division of knowledge: but upon examination there is no such matter by them intended. That the little inquiry into the production of simple natures, showeth well that works were not sought; because by the former knowledge some small and superficial deflexions from the ordinary generations and productions may be found out, but the discovery of all profound and radical alteration must arise out of the latter knowledge.

CHAPTER XIV.

Of the error in propounding the search of the materials, or dead beginnings or principles of things, and not the nature of motions, inclinations, and applications. That the whole scope of the former search is impertinent and vain; both because there are no such beginnings, and if there were they could not be known. That the latter manner of search, which is all, they pass over compendiously and slightly as a bye matter. That the several conceits in that kind; as that the lively and moving beginnings of things should be shift or appetite of matter to privation; the spirit of the world, working in matter according to platform; the proceeding or fructifying of distinct kinds according to their proprieties; the intercourse of the elements by mediation of their common qualities; the appetite of like portions to unite themselves; amity and discord, or sympathy and antipathy; motion to the centre, with motion of stripe or press; the casual agitation, aggregation, and essays of the solid portions in the void space; motion of shuttings and openings; are all mere nugations. And that the calculating and ordination of the true degrees, moments, limits, and laws of motions and alterations, by means whereof all works and effects are produced, is a matter of a far other nature than to consist in such easy and wild generalities.

CHAPTER XV.

Of the great error of inquiring knowledge in anticipations. That I call anticipations, the voluntary collections that the mind maketh of knowledge, which is every man's reason. That though this be a solemn thing, and serves the turn to negotiate between man and man, because of the conformity and participation of men's minds in the like errors, yet towards inquiry of the truth of things and works it is of no value. That civil respects are a let that this pretended reason should not be so contemptibly spoken of, as were fit and medicinable, in regard that hath been too much exalted and glorified, to the infinite detriment of man's estate. Of the nature of words, and their facility and aptness to cover and grace the defects of anticipations. That it is no marvel if these anticipations have brought forth such diversity and repugnance in opinions, theories, or philosophies, as so many fable, of several arguments. That had not the nature of civil customs and government been in most times somewhat adverse to such innovations, though contemplative, there might have been, and would have been many more. That the second school of the Academics and the sect of Pyrrho, or the considerers, that denied comprehension as to the disabling of man's knowledge, entertained in anticipations, is well to be allowed: but that they ought, when they had overthrown and purged the floor of the ruins, to have sought to build better in place. And more especially that they did unjustly and prejudicially, to charge the deceit upon the report of the senses, which admitteth very sparing remedy; being indeed to have been charged upon the anticipations of the mind, which admitteth a perfect remedy. That the information of the senses is sufficient, not because they err not, but because the use of the sense in discovering of knowledge is for the most part not immediate. So that it is the work, effect, or instance, that trieth the axiom, and the sense doth but try the work done or not done, being or not being. That the mind of man in collecting knowledge needeth great variety of helps, as well as the hand of man in manual and mechanical practices needeth great variety of instruments. And that it were a poor work, that if instruments were removed, men would overcome with their naked hands. And of the distinct points of want and insufficiency in the mind of man.

CHAPTER XVI.

That the mind of a man, as it is not a vessel of that content or receipt to comprehend knowledge without helps and supplies; so again it is not sincere, but of an ill and corrupt tincture. Of the inherent and profound errors and superstitions in the nature of the mind, and of the four sorts of idols or false appearances that offer themselves to the understanding in the inquisition of knowledge; that is to say, the idols of the tribe, the idols of the palace, the idols of the cave, and the idols of the theatre: that these four, added to the incapacity of the mind, and the vanity and malignity of the affections, leave nothing but impotency and confusion. A recital of the particular kinds of these four idols, with some chosen examples of the opinions they have begot, such of them as have supplanted the state of knowledge most.

CHAPTER XVII.

Of the errors of such as have descended and applied themselves to experience, and attempted to induce knowledge upon particulars. That they have not had the resolution and strength of mind to free themselves wholly from anticipations, but have made a confusion and intermixture of anticipations

and observations, and so vanished. That if any have had the strength of mind generally to purge away and discharge all anticipations; they have not had that greater and double strength and patience of mind, as well to repel new anticipations after the view and search of particulars, as to reject old which were in their mind before; but have from particulars and history flown up to principles without the mean degrees, and so framed all the middle generalities or axioms, not by way of scale or ascension from particulars, but by way of derivation from principles, whence hath issued the infinite chaos of shadows and moths, wherewith both books and minds have been hitherto, and may be yet hereafter much more pestered. That in the course of those derivations to make them yet the more unprofitable, they have used, when any light of new instance opposite to any assertion appeared, rather to reconcile the instance than to amend the rule. That if any have had, or shall have the power and resolution to fortify and enclose his mind against all anticipations, yet if he have not been or shall not be cautioned by the full understanding of the nature of the mind and spirit of man, and therein of the states, pores, and passages both of knowledge and error, he hath not been nor shall not be possibly able to guide or keep on his course aright. That those that have been conversant in experience and observation, have used, when they have intended to discover the cause of any effect, to fix their consideration narrowly and exactly upon that effect itself, with all the circumstances thereof, and to vary the trial thereof as many ways as can be devised; which course amounteth but to a tedious curiosity, and ever breaketh off in wondering, and not in knowing. And that they have not used to enlarge their observation to match and sort that effect with instances of a diverse subject, which must of necessity be before any cause be found out. That they have passed over the observation of instances vulgar and ignoble, and stayed their attention chiefly upon instances of mark; whereas the other sort are for the most part more significant, and of better light and information. That every particular that worketh any effect, is a thing compounded, more or less, of diverse single natures, more manifest and more obscure, and that it appeareth not to whether of the natures the effect is to be ascribed; and yet notwithstanding they have taken a course without breaking particulars, and reducing them by exclusions and inclusions to a definite point, to conclude upon inductions in gross; which empirical course is no less vain than the scholastical. That all such as have sought action and work out of their inquiry, have been hasty and pressing to discover some practices for present use, and not to discover axioms, joining with them the new assignations as their sureties. That the forerunning of the mind to frame recipes upon axioms at the entrance, is like Atalanta's golden ball that hindereth and interrupteth the course; and is to be inhibited till you have ascended to a certain stage and degree of generalities; which forbearance will be liberally recompensed in the end; and that chance discovereth new inventions by one and one, but science by knots and clusters. That they have not collected sufficient quantity of particulars, nor them in sufficient certainty and subtilty, nor of all several kinds, nor with those advantages and discretions in the entry and sorting which are requisite; and of the weak manner of collecting natural history, which hath been used. Lastly, that they had no knowledge of the formulary of interpretation, the work whereof is to abridge experience, and to make things as certainly found out by axiom in short time, as by infinite experience in ages.

CHAPTER XVIII.

That the cautels and devices put in practice in the delivery of knowledge for the covering and palliating of ignorance, and the gracing and overvaluing of that they utter, are without number; but none more bold and more hurtful than two: the one, that men have used of a few observations upon any subject to make a solemn and formal art; by filling it up with discourse, accommodating it with some circumstances and directions to practice, and digesting it into method, whereby men grow satisfied and secure, as if no more inquiry were to be made of that matter; the other, that men have used to discharge ignorance with credit, in defining all those effects which they cannot attain unto, to be out of the compass of art and human endeavour. That the very styles and forms of utterance are so many characters of imposture, some choosing a style of pugnacity and contention, some of satire and reprehension, some of plausible and tempting similitudes and examples, some of great words and high discourse, some of short and dark sentences, some of exactness of method, all of positive affirmation; without disclosing the true motives and proofs of their opinions, or free confessing their ignorance or doubts, except it be now and then for a grace, and in cunning to win the more credit in the rest, and not in good faith. That although men be free from these errors and encumbrances in the will and affection, yet it is not a thing so easy as is conceived, to convey the conceit of one man's mind into the mind of another, without loss or mistaking, especially in notions new and differing from those that are received. That never any knowledge was delivered in the same order it was invented, no not in the mathematics, though it should seem otherwise, in regard that the propositions placed last do use the propositions or grants placed first for their proof and demonstration. That there are forms and methods of tradition wholly distinct and differing, according to their ends whereto they are directed. That there are two ends of tradition of knowledge, the one to teach and instruct for use and practice, the other to impart or intimate for re-examination and progression. That the former of these ends requireth a method not the same, whereby it was invented and induced, but such as is most compendious and ready, whereby it may be used and applied. That the latter of the ends, which is where a knowledge is delivered to be continued and spun on by a succession of labours, requireth a method

whereby it may be transposed to another in the same manner as it was collected, to the end it may be discerned both where the work is weak, and where it breaketh off. That this latter method is not only unfit for the former end, but also impossible for all knowledge gathered and insinuated by anticipations, because the mind working inwardly of itself, no man can give a just account how he came to know that knowledge which he hath received, and that therefore this method is peculiar for knowledge gathered by interpretation. That the discretion anciently observed, though by the precedent of many vain persons and deceivers disgraced, of publishing part and reserving part to a private succession, and of publishing in a manner whereby it shall not be to the capacity nor taste of all, but shall as it were single and adopt his reader, is not to be laid aside, both for the avoiding of abuse in the excluded, and the strengthening of affection in the admitted. That there are other virtues of tradition, as that there be no occasion given to error, and that it carry a vigour to root and spread against the vanity of wits and injuries of time; all which, if they were ever due to any knowledge delivered, or if they were never due to any human knowledge heretofore delivered, yet are now due to the knowledge propounded.

CHAPTER XIX.

Of the impediments which have been in the affections, the principle whereof hath been despair or diffidence, and the strong apprehension of the difficulty, obscurity, and infiniteness which belongeth to the invention of knowledge, and that men have not known their own strength; and that the supposed difficulties and vastness of the work is rather in show and muster, than in state or substance, where the true way is taken. That this diffidence hath moved and caused some never to enter into search, and others, when they have been entered, either to give over, or to seek a more compendious course than can stand with the nature of true search. That of those that have refused and prejudged inquiry, the more sober and grave sort of wits have depended upon authors and traditions, and the more vain and credulous resorted to revelation and intelligence with spirits and higher natures. That of those that have entered into search, some having fallen upon some conceits, which they after consider to be the same which they have found in former authors, have suddenly taken a persuasion that a man shall, but with much labour, incur and light upon the same inventions which he might with ease receive from others, and that it is but a vanity and self-pleasing of the wit to go about again, as one that would rather have a flower of his own gathering, than much better gathered to his hand. That the same humour of sloth and diffidence suggesteth, that a man shall but revive some ancient opinion, which was long ago propounded, examined, and rejected. And that it is easy to err in conceit, that a man's observation or notion is the same with a former opinion, both because new conceits must of necessity be uttered in old words, and because upon true and erroneous grounds men may meet in consequence or conclusion, as several lines or circles that cut in some one point. That the greatest part of those that have descended into search have chosen for the most artificial and compendious course, to induce principles out of particulars, and to reduce all other propositions unto principles; and so, instead of the nearest way, have been led to no way, or a mere labyrinth. That the two contemplative ways have some resemblance with the old parable of the two moral ways, the one beginning with uncertainty and difficulty, and ending in plainness and certainty; and the other beginning with show of plainness and certainty, and ending in difficulty and uncertainty. Of the great and manifest error and untrue conceit or estimation of the infiniteness of particulars, whereas indeed all prolixity is in discourse and derivations; and of the infinite and most laborious expense of wit that hath been employed upon toys and matters of no fruit or value. That although the period of one age cannot advance men to the farthest point of interpretation of nature, except the work should be undertaken with greater helps than can be expected, yet it cannot fail in much less space of time to make return of many singular commodities towards the state and occasions of man's life. That there is less reason of distrust in the course of interpretation now propounded, than in any knowledge formerly delivered, because this course doth in sort equal men's wits, and leaveth no great advantage or pre-eminence to the perfect and excellent motions of the spirit. That to draw a straight line, or to make a circle perfect round by aim of hand only, there must be a great difference between an unsteady and unpractised hand and a steady and practised; but to do it by rule or compass, it is much alike.

CHAPTER XXI.

Of the impediments which have been in the two extreme humours of admiration of antiquity and love of novelty; and again, of over-servile reverence, or over-light scorn of the opinions of others.

CHAPTER XXII.

Of the impediments which have been in the affection of pride, specially of one kind, which is the disdain of dwelling and being conversant much in experience and particulars, especially such as are vulgar in occurrency, and base and ignoble in use. That besides certain higher mysteries of pride, generalities seem to have a dignity and solemnity, in that they do not put men in mind of their familiar actions, in that they have less affinity with arts mechanical and illiberal, in that they are not so subject to be controlled by persons of mean observation, in that they seem to teach men that they know not, and not to refer them to that they know. All which conditions directly feeding the humour of pride, particulars do want. That the majesty of generalities, and the divine nature of the mind in

taking them, if they be truly collected, and be indeed the direct reflexions of things, cannot be too much magnified. And that it is true, that interpretation is the very natural and direct intention, action, and progression of the understanding, delivered from impediments. And that all anticipation is but a deflexion or declination by accident.

CHAPTER XXV.

Of the impediments which have been in the state of heathen religion, and other superstitions and errors of religion. And that in the true religion there hath not, nor is any impediment, except it be by accident or intermixture of humour. That a religion which consisteth in rites and forms of adoration, and not in confessions and beliefs, is adverse to knowledge; because men having liberty to inquire and discourse of theology at pleasure, it cometh to pass that all inquisition of nature endeth and limiteth itself in such metaphysical or theological discourse; whereas if men's wits be shut out of that port, it turneth them again to discover, and so to seek reason of reason more deeply. And that such was the religion of the heathen. That a religion that is jealous of the variety of learning, discourse, opinions, and sects, as misdoubting it may shake the foundations, or that cherisheth devotion upon simplicity and ignorance, as ascribing ordinary effects to the immediate working of God, is adverse to knowledge. That such is the religion of the Turk, and such hath been the abuse of christian religion at some several times, and in some several factions. And of the singular advantage which the christian religion hath towards the fartherance of true knowledge, in that it excludeth and interdicteth human reason, whether by interpretation or anticipation, from examining or discussing of the mysteries and principles of faith.

CHAPTER XXVI.

Of the impediments which have been in the nature of society, and the policies of state. That there is no composition of estate or society, nor order or quality of persons, which have not some point of contrariety towards true knowledge. That monarchies incline wits to profit and pleasure, and commonwealths to glory and vanity. That universities incline wits to sophistry and affectation; cloisters to fables and unprofitable subtilty; study at large to variety; and that it is hard to say, whether mixture of contemplations with an active life, or retiring wholly to contemplations, do disable and hinder the mind more.

FILUM LABYRINTHI,

SIVE

FORMULA INQUISITIONIS.

AD FILIOS.

PARS PRIMA.

1. Francis Bacon thought in this manner. The knowledge whereof the world is now possessed, especially that of nature, extendeth not to magnitude and certainty of works. The physician pronounceth many diseases incurable, and faileth oft in the rest. The alchemists wax old and die in hopes. The magicians perform nothing that is permanent and profitable. The mechanics take small light from natural philosophy, and do but spin on their own little threads. Chance sometimes discovereth inventions; but that worketh not in years, but ages. So he saw well, that the inventions known are very unperfect, and that new are not like to be brought to light, but in great length of time; and that those which are, came not to light by philosophy.

2. He thought also this state of knowledge was the worse, because men strive against themselves to save the credit of ignorance, and to satisfy themselves in this poverty. For the physician, besides the cauteles of practice, hath this general cautele of art, that he dischargeth the weakness of his art upon supposed impossibilities; neither can his art be condemned, when itself judgeth. That philosophy also, out of which the knowledge of physic which now is in use is hewed, receiveth certain positions and opinions, which, if they be well weighed, induce this persuasion, that no great works are to be expected from art, and the hand of man; as in particular, that opinion, that "the heat of the sun and fire differ in kind;" and that other, "that composition is the work of man, and mixture is the work of nature," and the like: all tending to the circumscription of man's power, and to artificial despair; killing in men not only the comfort of imagination, but the industry of trial: only upon vainglory, to have their art thought perfect, and that all is impossible that is not already found. The alchemist dischargeth his art upon his own errors, either supposing a misunderstanding of the words of his authors, which maketh him listen after auricular traditions; or else a failing in the true proportion and scruples of practice, which maketh him renew infinitely his trials; and finding also that he lighteth upon some mean experiments and conclusions by the way, feedeth upon them, and magnifieth them to the most, and supplieth the rest in hopes. The magician, when he findeth something, as he conceiveth, above nature effected, thinketh, when a breach is once made in nature, that it is all one to perform great things and small; not seeing, that they are but subjects of a certain kind, wherein magic and superstition hath played in all times. The mechanical person, if he can refine an invention, or put two or three observations or practices together in one, or couple things better with their use, or make the work in less or greater volume, taketh himself for an inventor. So he saw well that men either persuade themselves of new inventions as of impossibilities; or else think they are already extant, but in secret and in few hands; or that they account of those little industries and additions, as of inventions: all which turneth to the averting of their minds from any just and constant labour, to invent farther in any quantity.

3. He thought also, when men did set before themselves the variety and perfection of works produced by mechanical arts, they are apt rather to admire the provisions of man, than to apprehend his wants; not considering, that the original inventions and conclusions of nature, which are the life of all that variety, are not many, nor deeply fetched; and that the rest is but the subtile and ruled motion of the instrument and hand; and that the shop therein is not unlike the library, which in such number of books containeth for the far greater part, nothing but iterations, varied sometimes in form, but not new in substance. So he saw plainly, that opinion of store was a cause of want; and that both works and doctrines appear many, and are few.

4. He thought also, that knowledge is uttered to

men in a form, as if every thing were finished; for it is reduced into arts and methods; which in their divisions do seem to include all that may be. And how weakly soever the parts are filled, yet they carry the show and reason of a total; and thereby the writings of some received authors go for the very art: whereas antiquity used to deliver the knowledge which the mind of man had gathered, in observations, aphorisms, or short and dispersed sentences, or small tractates of some parts that they had diligently meditated and laboured; which did invite men, both to ponder that which was invented, and to add and supply farther. But now sciences are delivered to be believed and accepted, and not to be examined and farther discovered; and the succession is between master and disciple, and not between inventor and continuer or advancer; and therefore sciences stand at a stay, and have done for many ages, and that which is positive is fixed, and that which is question is kept question, so as the columns of no further proceeding are pitched. And therefore he saw plainly men had cut themselves off from farther invention; and that it is no marvel, that that is not obtained which hath not been attempted, but rather shut out and debarred.

5. He thought also, that knowledge is almost generally sought either for delight and satisfaction, or for gain or profession, or for credit and ornament, and that every of these are as Atalanta's balls, which hinder the race of invention. For men are so far in these courses from seeking to increase the mass of knowledge, as of that mass which is they will take no more than will serve their turn: and if any one amongst so many seeketh knowledge for itself, yet he rather seeketh to know the variety of things, than to discern of the truth and causes of them; and if his inquisition be yet more severe, yet it tendeth rather to judgment than to invention; and rather to discover truth in controversy, than new matter; and if his heart be so large as he propoundeth to himself farther discovery or invention, yet it is rather of new discourse and speculation of causes, than of effects and operations. And as for those that have so much in their mouths, action and use and practice, and the referring of sciences thereunto; they mean it of application of that which is known, and not of a discovery of that which is unknown. So he saw plainly, that this mark, namely, invention of farther means to endow the condition and life of man with new powers or works, was almost never yet set up and resolved in man's intention and inquiry.

6. He thought also, that, amongst other knowledges, natural philosophy hath been the least followed and laboured. For since the christian faith, the greatest number of wits have been employed, and the greatest helps and rewards have been conferred upon divinity. And before-time likewise, the greatest part of the studies of philosophers was consumed in moral philosophy, which was as the heathen divinity. And in both times a great part of the best wits betook themselves to law, pleadings, and causes of estate; specially in the time of the greatness of the Romans, who by reason of their large empire needed the service of all their able men for civil business. And the time amongst the Grecians, in which natural philosophy seemed most to flourish, was but a short space; and that also rather abused in differing sects and conflicts of opinions than profitably spent. Since which time, natural philosophy was never any profession, nor never possessed any whole man, except perchance some monk in a cloister, or some gentleman in the country, and that very rarely; but became a science of passage, to season a little young and unripe wits, and to serve for an introduction to other arts, especially physic and the practical mathematics. So as he saw plainly, that natural philosophy hath been intended by few persons, and in them hath occupied the least part of their time; and that in the weakest of their age and judgment.

7. He thought also, how great opposition and prejudice natural philosophy had received by superstition, and the immoderate and blind zeal of religion; for he found that some of the Grecians, which first gave the reason of thunder, had been condemned of impiety; and that the cosmographers, which first discovered and described the roundness of the earth, and the consequence thereof touching the antipodes, were not much otherwise censured by the ancient fathers of the christian church; and that the case is now much worse, in regard of the boldness of the schoolmen and their dependences in the monasteries, who having made divinity into an art, have almost incorporated the contentious philosophy of Aristotle into the body of christian religion: and generally he perceived in men of devout simplicity this opinion, that the secrets of nature were the secrets of God; and part of that glory whereinto the mind of man, if it seek to press, shall be oppressed; and that the desire in men to attain to so great and hidden knowledge, hath a resemblance with that temptation which caused the original fall; and on the other side, in men of a devout policy, he noted an inclination to have the people depend upon God the more, when they are less acquainted with second causes; and to have no stirring in philosophy, lest it may lead to an innovation in divinity, or else should discover matter of farther contradiction to divinity. But in this part, resorting to the authority of the Scriptures, and holy examples, and to reason, he rested not satisfied alone, but much confirmed. For first he considered that the knowledge of nature, by the light whereof man discerned of every living creature, and imposed names according to their propriety, was not the occasion of the fall; but the moral knowledge of good and evil, affected to the end to depend no more upon God's commandments, but for man to direct himself. Neither could he find in any Scripture, that the inquiry and science of man in any thing, under the mysteries of the Deity, is determined and restrained, but contrariwise allowed and provoked. For concerning all other knowledge the scripture pronounceth, "That it is the glory of God to conceal, but it is the glory of man (or of the king, for the king is but the excellency of man) to invent;" and again, "The spirit of man is as the lamp of God, where-

with he searcheth every secret;" and again most effectually, "That God hath made all things beautiful and decent, according to the return of their seasons; also that he hath set the world in man's heart, and yet man cannot find out the work which God worketh from the beginning to the end:" showing that the heart of man is a continent of that concave or capacity, wherein the content of the world, that is, all forms of the creatures, and whatsoever is not God, may be placed, or received; and complaining, that through the variety of things, and vicissitudes of times, which are but impediments and not impuissances, man cannot accomplish his invention. In precedent also he set before his eyes, that in those few memorials before the flood, the Scripture honoureth the name of the inventors of music and works in metal; that Moses had this addition of praise, that he was seen in all the learning of the Ægyptians; that Solomon, in his grant of wisdom from God, had contained, as a branch thereof, that knowledge whereby he wrote a natural history of all verdure, from the cedar to the moss, and of all that breatheth: that the book of Job, and many places of the prophets, have great aspersion of natural philosophy; that the church in the bosom and lap thereof, in the greatest injuries of times, ever preserved, as holy relics, the books of philosophy and all heathen learning; and that when Gregory, the bishop of Rome, became adverse and unjust to the memory of heathen antiquity, it was censured for pusillanimity in him, and the honour thereof soon after restored, and his own memory almost persecuted by his successor Sabinian; and lastly, in our times, and the ages of our fathers, when Luther and the divines of the protestant church on the one side, and the Jesuits on the other, have enterprised to reform, the one the doctrine, the other the discipline and manners of the church of Rome, he saw well how both of them have awaked to their great honour and succour all human learning. And for reason, there cannot be a greater and more evident than this, that all knowledge, and especially that of natural philosophy, tendeth highly to the magnifying of the glory of God in his power, providence, and benefits, appearing and engraven in his works, which without this knowledge are beheld but as through a veil: for if the heavens in the body of them do declare the glory of God to the eye, much more do they in the rule and decrees of them declare it to the understanding. And another reason, not inferior to this, is, that the same natural philosophy principally amongst all other human knowledge, doth give an excellent defence against both extremes of religion, superstition, and infidelity; for both it freeth the mind from a number of weak fancies and imaginations, and it raiseth the mind to acknowledge that to God all things are possible; for to that purpose speaketh our Saviour in that first canon against heresies, delivered upon the case of the resurrection, "You err, not knowing the Scriptures, nor the power of God;" teaching that there are but two fountains of heresy, not knowing the will of God revealed in the Scriptures, and not knowing the power of God revealed, or at least made most sensible in his creatures. So as he saw well, that n tural philosophy was of excellent use to the exa ation of the Divine Majesty; and, that which admirable, that being a remedy of superstition, is nevertheless a help to faith. He saw likewis that the former opinions to the prejudice hereof h no true ground; but must spring either out of me ignorance, or out of an excess of devotion, to ha divinity all in all, whereas it should be only abo all; both which states of mind may be best pa doned; or else out of worse causes, namely, out envy, which is proud weakness, and deserveth to despised; or out of some mixture of imposture, tell a lie for God's cause; or out of an impious d fidence, as if men should fear to discover some thin in nature which might subvert faith. But still saw well, howsoever these opinions are in rig reason reproved, yet they leave not to be ma effectual hinderances to natural philosophy a invention.

8. He thought also, that there wanted not gre contrariety to the farther discovery of sciences regard of the orders and customs of universities, a also in regard of common opinion. For in unive sities and colleges men's studies are almost confin to certain authors, from which if any dissenteth propoundeth matter of redargution, it is enough make him thought a person turbulent; whereas it be well advised, there is a great difference to made between matters contemplative and activ For in government change is suspected, though the better; but it is natural to arts to be in perpet agitation and growth. Neither is the danger ali of new light, and of new motion or remove; and f vulgar and received opinions, nothing is more usu or more usually complained of, than that it is i posed for arrogancy and presumption, for men authorize themselves against antiquity and autho towards whom envy is ceased, and reverence by ti amortised: it not being considered what Aristot himself did, upon whom the philosophy that now chiefly dependeth, who came with a professed co tradiction to all the world, and did put all his o nions upon his own authority and argument, a never so much as nameth an author, but to confu and reprove him; and yet his success well fulfill the observation of Him that said, "If a man co in his own name, him will you receive." Men thi likewise, that if they should give themselves to t liberty of invention and travail of inquiry, that th shall light again upon some conceits and contempl tions which have been formerly offered to the wor and have been put down by better, which have pr vailed and brought them to oblivion; not seein that howsoever the property and breeding of kno ledges is in great and excellent wits, yet the es mation and price of them is in the multitude, or the inclinations of princes and great persons mean learned. So as those knowledges are like to received and honoured, which have their foundatio in the subtilty or finest trial of common sense, such as fill the imagination, and not such knowledg as is digged out of the hard mine of history and ex perience, and falleth out to be in some points as a

verse to common sense, or popular reason, as religion, or more. Which kind of knowledge, except it be delivered with strange advantages of eloquence and power, may be likely to appear and disclose a little to the world, and straight to vanish and shut again. So that time seemeth to be of the nature of a river or flood, that bringeth down to us that which is light and blown up, and sinketh and drowneth that which is solid and grave. So he saw well, that both in the state of religion, and in the administration of learning, and in common opinion, there were many and continual stops and traverses to the course of invention.

9. He thought also, that the invention of works and farther possibility was prejudiced in a more special manner than that of speculative truth; for besides the impediments common to both, it hath by itself been notably hurt and discredited by the vain promises and pretences of alchemy, magic, astrology, and such other arts, which, as they now pass, hold much more of imagination and belief, than of sense and demonstration. But to use the poet's language, men ought to have remembered, that although Ixion of a cloud in the likeness of Juno begat Centaurs and Chimæras, yet Jupiter also of the true Juno begat Vulcan and Hebe. Neither is it just to deny credit to the greatness of the acts of Alexander, because the like or more strange have been feigned of an Amadis or an Arthur, or other fabulous worthies. But though this in true reason should be, and that men ought not to make a confusion of unbelief; yet he saw well it could not otherwise be in event, but that experience of untruth had made access to truth more difficult, and that the ignominy of vanity hath abated all greatness of mind.

10. He thought also, there was found in the mind of man an affection naturally bred and fortified, and farthered by discourse and doctrine, which did pervert the true proceeding towards active and operative knowledge. This was a false estimation, that it should be as a diminution to the mind of man to be much conversant in experiences and particulars, subject to sense, and bound in matter, and which are laborious to search, ignoble to meditate, harsh to deliver, illiberal to practise, infinite as is supposed in number, and no ways accommodate to the glory of arts. This opinion or state of mind received much credit and strength by the school of Plato, who thinking that particulars rather revived the notions, or excited the faculties of the mind, than merely informed; and having mingled his philosophy with superstition, which never favoureth the sense, extolleth too much the understanding of man in the inward light thereof. And again, Aristotle's school, which giveth the due to the sense in assertion, denieth it in practice much more than that of Plato. For we see the schoolmen, Aristotle's successors, which were utterly ignorant of history, rested only upon agitation of wit; whereas Plato giveth good example of inquiry by induction and view of particulars; though in such a wandering manner as is of no force or fruit. So that he saw well, that the supposition of the sufficiency of man's mind hath lost the means thereof.

SEQUELA CHARTARUM;

SIVE

INQUISITIO LEGITIMA

DE

CALORE ET FRIGORE.

SECTIO ORDINIS.

Charta suggestionis, sive memoria fixa.

THE sun-beams hot to sense.

The moon-beams not hot, but rather conceived to have a quality of cold, for that the greatest colds are noted to be about the full, and the greatest heats about the change. *Query.*

The beams of the stars have no sensible heat by themselves; but are conceived to have an augmentative heat of the sun-beams by the instance following. The same climate arctic and antarctic are observed to differ in cold, viz. that the antarctic is the more cold, and it is manifest the antarctic hemisphere is thinner planted with stars.

The heats observed to be greater in July than in June; at which time the sun is nearest the greatest fixed stars, viz. Cor Leonis, Cauda Leonis, Spica Virginis, Sirius, Canicula.

The conjunction of any two of the three highest planets noted to cause great heats.

Comets conceived by some to be as well causes as effects of heat, much more the stars.

The sun-beams have greater heat when they are more perpendicular than when they are more oblique; as appeareth in difference of regions, and the difference of the times of summer and winter in the same region; and chiefly in the difference of the hours of mid-day, mornings, evenings in the same day.

The heats more extreme in July and August than in May or June, commonly imputed to the stay and continuance of heat.

The heats more extreme under the tropics than under the line: commonly imputed to the stay and continuance of heat, because the sun there doth as it were double a cape.

The heats more about three or four of clock than at noon; commonly imputed to the stay and continuance of heat.

The sun noted to be hotter when it shineth forth between clouds, than when the sky is open and serene.

The middle region of the air hath manifest effects of cold, notwithstanding locally it be nearer the sun, commonly imputed to antiperistasis, assuming that the beams of the sun are hot either by approach or by reflexion, and that falleth in the middle term between both; or if, as some conceive, it be only by reflexion, then the cold of that region resteth chiefly upon distance. The instances showing the cold of that region, are the snows which descend, the hails which descend, and the snows and extreme colds which are upon high mountains.

But *Qu.* of such mountains as adjoin to sandy vales, and not to fruitful vales, which minister no vapours; or of mountains above the region of vapours, as is reported of Olympus, where any inscription upon the ashes of the altar remained untouched of wind or dew. And note, it is also reported, that men carry up sponges with vinegar to thicken their breath, the air growing too fine for respiration, which seemeth not to stand with coldness.

The clouds make a mitigation of the heat of the sun. So doth the interposition of any body, which we term shades; but yet the nights in summer are many times as hot to the feeling of men's bodies as the days are within doors, where the beams of the sun actually beat not.

There is no other nature of heat known from the celestial bodies or from the air, but that which cometh by the sun-beams. For in the countries near the pole, we see the extreme colds end in the summer months, as in the voyage of Nova Zembla, where they could not disengage their barks from the ice, no not in July, and met with great mountains of ice, some floating, some fixed, at that time of the year, being the heart of summer.

The caves under the earth noted to be warmer in winter than in summer, and so the waters that spring from within the earth.

Great quantity of sulphur, and sometimes naturally burning after the manner of Ætna, in Iceland;

the like written of Greenland, and divers other the cold countries.*

The trees in the cold countries are such as are fuller of rosin, pitch, tar, which are matters apt for fire, and the woods themselves more combustible than those in much hotter countries; as for example, fir, pine-apple, juniper: *Qu.* whether their trees of the same kind that ours are, as oak and ash, bear not, in the more cold countries, a wood more brittle and ready to take fire than the same kinds with us?

The sun-beams heat manifestly by reflexion, as in countries pent in with hills, upon walls or buildings, upon pavements, upon gravel more than earth, upon arable more than grass, upon rivers if they be not very open, &c.

The uniting or collection of the sun-beams multiplieth heat, as in burning-glasses, which are made thinner in the middle than on the sides, as I take it, contrary to spectacles; and the operation of them is, as I remember, first to place them between the sun and the body to be fired, and then to draw them upward towards the sun, which it is true maketh the angle of the cone sharper. But then I take it if the glass had been first placed at the same distance, to which it is after drawn, it would not have had that force, and yet that had been all one to the sharpness of the angle. *Qu.*

So in that the sun's beams are hotter perpendicularly than obliquely, it may be imputed to the union of the beams, which in case of perpendicularity reflect into the very same lines with the direct; and the farther from perpendicularity the more obtuse the angle, and the greater distance between the direct beam and the reflected beam.

The sun-beams raise vapours out of the earth, and when they withdraw they fall back in dews.

The sun-beams do many times scatter the mists which are in the mornings.

The sun-beams cause the divers returns of the herbs, plants, and fruits of the earth; for we see in lemon-trees and the like, that there is coming on at once fruit ripe, fruit unripe, and blossoms; which may show that the plant worketh to put forth continually, were it not for the variations of the accesses and recesses of the sun, which call forth and put back.

The excessive heat of the sun doth wither and destroy vegetables, as well as the cold doth nip and blast them.

The heat or beams of the sun doth take away the smell of flowers, specially such as are of a milder colour.

The beams of the sun do disclose summer flowers, as the pimpernel, marigold, and almost all flowers else, for they close commonly morning and evening, or in overcast weather, and open in the brightness of the sun; which is but imputed to dryness and moisture, which doth make the beams heavy or erect; and not to any other propriety in the sun-beams; so they report not only a closing but a bending or inclining in the heliotropium and calendula. *Qu.*

The sun-beams do ripen all fruits, and addeth to them a sweetness or fatness; and yet some sultry hot days overcast, are noted to ripen more than bright days.

The sun-beams are thought to mend distilled waters, the glasses being well stopped, and to make them the more virtuous and fragrant.

The sun-beams do turn wine into vinegar; but *Qu.* whether they would not sweeten verjuice?

The sun-beams do pall any wine or beer that is set in them.

The sun-beams do take away the lustre of any silks or arras.

There is almost no mine but lieth some depth in the earth; gold is conceived to lie highest, and in the hottest countries, yet Thracia and Hungary are cold, and the hills of Scotland have yielded gold, but in small grains or quantity.

If you set a root of a tree too deep in the ground, that root will perish, and the stock will put forth a new root nearer the superficies of the earth.

Some trees and plants prosper best in the shade: as the bayes, strawberries, some wood-flowers.

Almost all flies love the sun-beams, so do snakes; toads and worms the contrary.

The sun-beams tanneth the skin of man; and in some places turneth it to black.

The sun-beams are hardly endured by many, but cause head-ache, faintness, and with many they cause rheums; yet to aged men they are comfortable.

The sun causes pestilence, which with us rages about autumn: but it is reported in Barbary they break up about June, and rage most in the winter.

The heat of the sun, and of fire, and living creatures, agree in some things which pertain to vivification; as the back of a chimney will set forward an apricot-tree as well as the sun; the fire will raise a dead butterfly as well as the sun; and so will the heat of a living creature. The heat of the sun in sand will hatch an egg. *Qu.*

The heat of the sun in the hottest countries nothing so violent as that of fire, no not scarcely so hot to the sense as that of a living creature.

The sun, a fountain of light as well as heat. The other celestial bodies manifest in light, and yet *non constat* whether all borrowed, as in the moon; but obscure in heat.

The southern and western wind with us is the warmest, whereof the one bloweth from the sun, the other from the sea; the northern and eastern the more cold. *Qu.* whether in the coast of Florida, or at Brasil, the east wind be not the warmest, and the west the coldest; and so beyond the antarctic tropic, the southern wind the coldest.

The air useth to be extreme hot before thunders.

The sea and air ambient appeareth to be hotter than that at land; for in the northern voyages two or three degrees farther at the open sea, they find less ice than two or three degrees more south near land: but *Qu.* for that may be by reason of the shores and shallows.

The snows dissolve fastest upon the sea-coasts,

* No doubt but infinite power of the heat of the sun in cold countries, though it be not to the analogy of men, and fruits, &c.

yet the winds are counted the bitterest from the sea, and such as trees will bend from. *Qu.*

The streams or clouds of brightness which appear in the firmament, being such through which the stars may be seen, and shoot not, but rest, are signs of heat.

The pillars of light, which are so upright, and do commonly shoot and vary, are signs of cold; but both these are signs of drought.

The air when it is moved is to the sense colder; as in winds, fannings, ventilabra.

The air in things fibrous, as fleeces, furs, &c. warm; and those stuffs to the feeling warm.

The water to man's body seemeth colder than the air; and so in summer, in swimming it seemeth at the first going in; and yet after one hath been in a while, at the cometh forth again, the air seemeth colder than the water.

The snow more cold to the sense than water, and the ice than snow; and they have in Italy means to keep snow and ice for the cooling of their drinks: *Qu.* whether it be so in froth in respect of the liquor?

Baths of hot water feel hottest at the first going in.

The frost dew which we see in hoar frost, and in the rimes upon trees or the like, accounted more mortifying cold than snow; for snow cherisheth the ground, and any thing sowed in it; the other biteth and killeth.

Stone and metal exceeding cold to the feeling more than wood: yea, more than jet or amber, or horn, which are no less smooth.

The snow is ever in the winter season, but the hail, which is more of the nature of ice, is ever in the summer season; whereupon it is conceived, that as the hollows of the earth are warmest in the winter, so that region of the air is coldest in the summer; as if they were a fugue of the nature of either from the contrary, and a collecting itself to an union, and so to a farther strength.

So in the shades under trees, in the summer, which stand in an open field, the shade noted to be colder than in a wood.

Cold effecteth congelation in liquors, so as they do consist and hold together, which before did run.

Cold breaketh glasses, if they be close stopped, in frost, when the liquor freezeth within.

Cold in extreme maketh metals, that are dry and brittle, cleft and crack, Æraque dissiliunt; so of pots of earth and glass.

Cold maketh bones of living creatures more fragile.

Cold maketh living creatures to swell in the joints, and the blood to clot, and turn more blue.

Bitter frosts do make all drinks to taste more dead and flat.

Cold maketh the arteries and flesh more asper and rough.

Cold causes rheums and distillations by compressing the brain, and laxes by like reason.

Cold increases appetite in the stomach, and willingness to stir.

Cold maketh the fire to scald and sparkle.

Paracelsus reporteth, that if a glass of wine be upon a terras in a bitter frost, it will leave so liquor unfrozen in the centre of the glass, whi excelleth spiritus vini drawn by fire.

Cold in Muscovy, and the like countries, caus those parts which are voidest of blood, as the no the ears, the toes, the fingers, to mortify and r especially if you come suddenly to fire, after y have been in the air abroad, they are sure moulder and dissolve. They use for remedy, as said, washing in snow water.

If a man come out of a bitter cold suddenly the fire, he is ready to swoon, or be overcome.

So contrariwise at Nova Zembla, when th opened their doors at times to go forth, he th opened the door was in danger to be overcome.

The quantity of fish in the cold countries, No way, &c. very abundant.

The quantity of fowl and eggs laid in the cli in great abundance.

In Nova Zembla they found no beasts but bea and foxes, whereof the bears gave over to be see about September, and the foxes began.

Meat will keep from putrifying longer in frost weather, than at other times.

In Iceland they keep fish, by exposing it to th cold, from putrifying without salt.

The nature of man endureth the colds in th countries of Scricfinnia, Biarmia, Lappia, Iceland Greenland; and that not by perpetual keeping i stoves in the winter time, as they do in Russia: bu contrariwise, their chief fairs and intercourse i written to be in the winter, because the ice even and levelleth the passages of waters, plashes, &c.

A thaw after a frost doth greatly rot and mellow the ground.

Extreme cold hurteth the eyes, and causeth blindness in many beasts, as is reported.

The cold maketh any solid substance, as wood, stone, metal, put to the flesh, to cleave to it, and to pull the flesh after it, and so put to any cloth that is moist.

Cold maketh the pilage of beasts more thick and long, as foxes of Muscovy, sables, &c.

Cold make the pilage of most beasts incline to grayness or whiteness, as foxes, bears, and so the plumage of fowls; and maketh also the crests of cocks and their feet white, as is reported.

Extreme cold will make nails leap out of the walls, and out of locks, and the like.

Extreme cold maketh leather to be stiff like horn.

In frosty weather the stars appear clearest and most sparkling.

In the change from frost to open weather, or from open weather to frosts, commonly great mists.

In extreme colds any thing never so little which arresteth the air maketh it to congeal; as we see in cobwebs in windows, which is one of the least and weakest threads that is, and yet drops gather about it like chains of pearl.

So in frosts, the inside of glass windows gathereth a dew; *Qu.* if not more without.

Qu. Whether the sweating of marble and stones be in frost, or towards rain.

Oil in time of frost gathereth to a substance, as tallow; and it is said to sparkle some time, so as giveth a light in the dark.

The countries which lie covered with snow, have hastier maturation of all grain than in other antries, all being within three months, or thereouts.

Qu. It is said, that compositions of honey, as ead, do ripen, and are most pleasant in the great lds.

The frosts with us are casual, and not tied to any onths, so as they are not merely caused by the cess of the sun, but mixed with some inferior uses. In the inland of the northern countries, as Russia, the weather for the three or four months November, December, January, February, is constant, viz. clear and perpetual frost, without snows rains.

There is nothing in our region, which, by approach of a matter hot, will not take heat by transition or excitation.

There is nothing hot here with us but is in a kind of consumption, if it carry heat in itself; for all fired things are ready to consume; chafed things are ready to fire; and the heat of men's bodies needeth aliment to restore.

The transition of heat is without any imparting of substance, and yet remaineth after the body heated is withdrawn: for it is not like smells, for they leave some airs or parts; not like light, for that abideth not when the first body is removed; not unlike to the motion of the loadstone, which is lent without adhesion of substance, for if the iron be filed where it was rubbed, yet it will draw or turn

PHYSIOLOGICAL REMAINS.

INQUISITIONS TOUCHING THE COMPOUNDING OF METAL

To make proof of the incorporation of iron with flint, or other stone. For if it can be incorporated without over-great charge, or other incommodity, the cheapness of the flint or stone doth make the compound stuff profitable for divers uses. The doubts may be three in number.

First, Whether they will incorporate at all, otherwise than to a body that will not hold well together, but become brittle and uneven?

Secondly, Although it should incorporate well, yet whether the stuff will not be so stubborn as it will not work well with a hammer, whereby the charge in working will overthrow the cheapness of the material?

Thirdly, Whether they will incorporate, except the iron and stone be first calcined into powder? And if not, whether the charge of the calcination will not eat out the cheapness of the material?

The uses are most probable to be; first for the implements of the kitchen; as spits, ranges, cob-irons, pots, &c.; then for the wars, as ordnance, portcullises, grates, chains, &c.

Note; the finer works of iron are not so probable to be served with such a stuff; as locks, clocks, small chains, &c. because the stuff is not like to be tough enough.

For the better use, in comparison of iron, it is like the stuff will be far lighter: for the weight of iron to flint is double and a third part; and, secondly, it is like to rust not so easily, but to be more clean.

The ways of trial are two: first, by the iron and stone of themselves, wherein it must be inquired, what are the stones that do easiliest melt. Secondly, with an additament, wherein brimstone is approved to help to the melting of iron or steel. But then it must be considered, whether the charge of the additament will not destroy the profit.

It must be known also, what proportion of the stone the iron will receive to incorporate well with it, and that with once melting; for if either the proportion be too small, or that it cannot be received but piecemeal by several meltings, the work cannot be of value.

To make proof of the incorporating of iron and brass. For the cheapness of the iron in comparison of the brass, if the uses may be served, doth promise profit. The doubt will be touching their incorporating; for that it is approved, that iron will not incorporate, neither with brass nor other metals, of itself, by simple fire: so as the inquiry must be upon the calcination, and the additament, and the charge of them.

The uses will be for such things as are now made of brass, and might be as well served by the compound stuff; wherein the doubts will be chiefly of the toughness, and of the beauty.

First, therefore, if brass ordnance could be made of the compound stuff, in respect of the cheapness of the iron, it would be of great use.

The vantage which brass ordnance hath over iron, is chiefly, as I suppose, because it will hold the blow, though it be driven far thinner than the iron can be; whereby it saveth both in the quantity of the material, and in the charge and commodity of mounting and carriage, in regard, by reason of the thinness, it beareth much less weight: there may be also somewhat in being not so easily over-heated.

Secondly, for the beauty. Those things wherein the beauty or lustre are esteemed, are andirons, and all manner of images, and statues, and columns, and tombs, and the like. So as the doubt will be double for the beauty; the one, whether the colour will please so well, because it will not be so like gold as brass? The other, whether it will polish so well? Wherein for the latter it is probable it will; for steel glosses are more resplendent than the like plates of brass would be; and so is the glittering of a blade. And besides, I take it, andiron brass, which they call white brass, hath some mixture of tin to help the lustre. And for the golden colour, it may be by some small mixture of orpiment, such as they use to brass in the yellow alchemy; it will easily recover that which the iron loseth. Of this the eye must be the judge upon proof made.

But now for pans, pots, curfews, counters, and the like, the beauty will not be so much respected, so as the compound stuff is like to pass.

For the better use of the compounded stuff, it will be sweeter and cleaner than brass alone, which yieldeth a smell or soiliness; and therefore may be better for the vessels of the kitchen and brewing. It will also be harder than brass, where hardness may be required.

For the trial, the doubts will be two: first, the over-weight of brass towards iron, which will make iron float on the top in the melting. This perhaps will be holpen with the calaminar stone, which consenteth so well with brass, and, as I take it, is lighter than iron. The other doubt will be the stiffness and dryness of iron to melt; which must be holpen either by moistening the iron, or opening it. For the first, perhaps some mixture of lead will help. Which is as much more liquid than brass, as iron is less liquid. The opening may be holpen by some mixture of sulphur: so as the trials would be with brass, iron, calaminar stone, and sulphur; and then again with the same composition, and an addition of some lead; and in all this the charge must be considered, whether it eat not out the profit of the cheapness of iron?

There be two proofs to be made of incorporation of metals for magnificence and delicacy. The one for the eye, and the other for the ear. Statue-metal, and bell-metal, and trumpet-metal, and string-metal; in all these, though the mixture of brass or copper should be dearer than the brass itself, yet the pleasure will advance the price to profit.

First therefore for statue-metal, see Pliny's mixtures, which are almost forgotten, and consider the charge.

Try likewise the mixture of tin in large proportion with copper, and observe the colour and beauty, it being polished. But chiefly let proof be made of the incorporating of copper or brass with glass-metal, for that is cheap, and is like to add a great glory and shining.

For bell-metal. First, it is to be known what is the composition which is now in use. Secondly, it is probable that it is the dryness of the metal that doth help the clearness of the sound, and the moistness that dulleth it; and therefore the mixtures that are probable, are steel, tin, glass-metal.

For string-metal, or trumpet-metal, it is the same reason; save that glass-metal may not be used, because it will make it too brittle; and trial may be made with mixture of silver, it being but a delicacy, with iron or brass.

To make proof of the incorporation of silver and tin in equal quantity, or with two parts silver and one part tin, and to observe whether it be of equal beauty and lustre with pure silver; and also whether it yield no soiliness more than silver? And again, whether it will endure the ordinary fire which belongeth to chafing-dishes, posnets, and such other silver vessels? And if it do not endure the fire, yet whether by some mixture of iron it may not be made more fixed? For if it be in beauty and all the uses aforesaid equal to silver, it were a thing of singular profit to the state, and to all particular persons, to change silver plate or vessel into the compound stuff, being a kind of silver electre, and to turn the rest into coin. It may be also questioned, whether the compound stuff will receive gilding as well as silver, and with equal lustre? It is to be noted, that the common allay of silver coin is brass, which doth discolour more, and is not so neat as tin.

The drownings of metals within other metals, in such sort as they can never rise again, is a thing of great profit. For if a quantity of silver can be so buried in gold, as it will never be reduced again, neither by fire, nor parting waters, nor other ways: and also that it serve all uses as well as pure gold, it is in effect all one as if so much silver were turned into gold; only the weight will discover it; yet that taketh off but half of the profit; for gold is not fully double weight to silver, but gold is twelve times price to silver.

The burial must be by one of these two ways, either by the smallness of the proportion, as perhaps fifty to one, which will be but six-pence gains in fifty shillings; or it must be holpen by somewhat which may fix the silver, never to be restored or vapoured away, when it is incorporated into such a mass of gold; for the less quantity is ever the harder to sever: and for this purpose iron is the likest, or coppel stuff, upon which the fire hath no power of consumption.

The making of gold seemeth a thing scarcely possible; because gold is the heaviest of metals, and to add matter is impossible: and again, to drive metals into a narrower room than their natural extent beareth, is a condensation hardly to be expected. But to make silver seemeth more easy, because both quicksilver and lead are weightier than silver; so as there needeth only fixing, and not condensing. The degree unto this that is already known, is infusing of quicksilver in a parchment, or otherwise, in the midst of molten lead when it cooleth; for this stupifieth the quicksilver that it runneth no more. This trial is to be advanced three ways. First, by iterating the melting of the lead, to see whether it will not make the quicksilver harder and harder. Secondly, to put realgar hot into the midst of the quicksilver, whereby it may be condensed, as well from within as without. Thirdly, to try it in the midst of molten iron, or molten steel, which is a body more likely to fix the quicksilver than lead. It may be also tried, by incorporating powder of steel, or coppel dust, by pouncing into the quicksilver, and so to proceed to the stupifying.

Upon glass four things would be put in proof. The first, means to make the glass more crystalline. The second, to make it more strong for falls, and for fire, though it come not to the degree to be malleable. The third, to make it coloured by tinctures, comparable to or exceeding precious stones. The fourth, to make a compound body of glass and galletyle; that is, to have the colour milky like a chalcedon, being a stuff between a porcelane and a glass.

For the first, it is good first to know exactly the several materials whereof the glass in use is made; window-glass, Normandy and Burgundy, ale-house glass, English drinking-glass: and then thereupon to consider what the reason is of the coarseness or clearness; and from thence to rise to a con-

sideration how to make some additaments to the coarser materials, to raise them to the whiteness and crystalline splendour of the finest.

For the second, we see pebbles, and some other stones, will cut as fine as crystal, which if they will melt, may be a mixture for glass, and may make it more tough and more crystalline. Besides, we see metals will vitrify; and perhaps some portion of the glass of metal vitrified, mixed in the pot of ordinary glass metal, will make the whole mass more tough.

For the third, it were good to have of coloured window-glass, such as is coloured in the pot, and not by colours———

It is to be known of what stuff galletyle is made, and how the colours in it are varied; and thereupon to consider how to make the mixture of glass-metal and them, whereof I have seen the example.

Inquire what be the stones that do easiliest melt. Of them take half a pound, and of iron a pound and half, and an ounce of brimstone, and see whether they will incorporate, being whole, with a strong fire. If not, try the same quantity calcined: and if they will incorporate, make a plate of them, and burnish it as they do iron.

Take a pound and a half of brass, and half a pound of iron; two ounces of the calaminar stone, an ounce and a half of brimstone, an ounce of lead calcine them, and see what body they make; and i they incorporate, make a plate of it burnished.

Take of copper an ounce and a half, of tin a ounce, and melt them together, and make a plate c them burnished.

Take of copper an ounce and a half, of tin a ounce, of glass-metal half an ounce; stir them we in the boiling, and if they incorporate, make a pla of them burnished.

Take of copper a pound and a half, tin fou ounces, brass two ounces; make a plate of the burnished.

Take of silver two ounces, tin half an ounce make a little say-cup of it, and burnish it.

To inquire of the materials of every of the kind c glasses, coarser and finer, and of the proportions.

Take an equal quantity of glass-metal, of ston calcined, and bring a pattern.

Take an ounce of vitrified metal, and a pound c ordinary glass-metal, and see whether they will i corporate, and bring a pattern.

Bring examples of all coloured glasses, and lear the ingredients whereby they are coloured.

Inquire of the substance of galletyle.

ARTICLES OF QUESTIONS

TOUCHING

MINERALS.

THE LORD BACON'S QUESTIONS, WITH DR. MEVEREL'S SOLUTIONS.

Concerning the compounding, incorporating, or union of metals or minerals. Which subject is the first letter of his Lordship's Alphabet.

WITH what metals gold will incorporate by simple colliquefaction, and with what not? And in what quantity it will incorporate; and what kind of body the compound makes?

Gold with silver, which was the ancient electrum: gold with quicksilver: gold with lead: gold with copper: gold with brass: gold with iron: gold with tin.

So likewise of silver: silver with quicksilver: silver with lead: silver with copper: silver with brass: silver with iron: Plinius secund. lib. xxxiii. 9. "Miscuit denario triumvir Antonius ferrum," silver with tin.

So likewise of quicksilver: quicksilver with lead: quicksilver with copper: quicksilver with brass: quicksilver with iron: quicksilver with tin.

So of lead: lead with copper: lead with brass lead with iron: lead with tin. Plin. xxxiv. 9.

So of copper: copper with brass: copper wit iron: copper with tin.

So of brass: brass with iron: brass with tin.

So of iron: iron with tin.

What be the compound metals that are commo and known? And what are the proportions of thei mixtures? As,

Latten of brass, and the calaminar stone.

Pewter of tin and lead.

Bell-metal of, &c. and the counterfeit plate, whic they call alchemy.

The decomposites of three metals or more, ar too long to inquire of, except there be some com positions of them already observed.

It is also to be observed, whether any two metal which will not mingle of themselves, will mingl with the help of another; and what.

What compounds will be made of metal with ston

and other fossils; as latten is made with brass and the calaminar stone; as all the metals incorporate with vitriol; all with iron powdered; all with flint, &c.

Some few of these would be inquired of, to disclose the nature of the rest.

Whether metals or other fossils will incorporate with molten glass, and what body it makes?

The quantity in the mixture would be well considered; for some small quantity perhaps will incorporate, as in the allays of gold and silver coin.

Upon the compound body, three things are chiefly to be observed: the colour; the fragility or pliantness; the volatility or fixation, compared with the simple bodies.

For present use or profit, this is the rule: consider the price of the two simple bodies; consider again the dignity of the one above the other in use; then see if you can make a compound, that will save more in price, than it will lose in dignity of the use.

As for example; consider the price of brass ordnance; consider again the price of iron ordnance, and then consider wherein the brass ordnance doth excel the iron ordnance in use; then if you can make a compound of brass and iron that will be near as good in use, and much cheaper in price, then there is profit both to the private and the commonwealth. So of gold and silver, the price is double of twelve: the dignity of gold above silver is not much, the splendour is alike, and more pleasing to some eyes, as in cloth of silver, silvered rapiers, &c. The main dignity is, that gold bears the fire, which silver doth not: but that is an excellency in nature, but it is nothing at all in use; for any dignity in use I know none, but that silvering will sully and tanker more than gilding; which if it might be corrected with a little mixture of gold, there is profit: and I do somewhat marvel that the latter ages have lost the ancient electrum, which was a mixture of silver with gold: whereof I conceive there may be much use, both in coin, plate, and gilding.

It is to be noted, that there is in the version of metals impossibility, or at least great difficulty, as in making of gold, silver, copper. On the other side, in the adulterating or counterfeiting of metals, there is deceit and villany. But it should seem there is a middle way, and that is by new compounds, if the ways of incorporating were well known.

What incorporation or imbibition metals will receive from vegetables, without being dissolved in their substance: as when the armourers make their steel more tough and pliant, by aspersion of water or juice of herbs; when gold being grown somewhat churlish by recovering, is made more pliant by throwing in shreds of tanned leather, or by leather oiled.

Note, that in these and like shows of imbibition, it were good to try by the weights, whether the weight be increased, or no; for if it be not, it is to be doubted that there is no imbibition of substance, but only that the application of that other body doth dispose and invite the metal to another posture of parts, than of itself it would have taken.

After the incorporation of metals by simple colliquefaction, for the better discovery of the nature and consents and dissents of metals, it would be likewise tried by incorporating of their dissolutions. What metals being dissolved in strong waters will incorporate well together, and what not? Which is to be inquired particularly, as it was in colliquefactions.

There is to be observed in those dissolutions which will not easily incorporate, what the effects are: as the bullition; the precipitation to the bottom; the ejaculation towards the top; the suspension in the midst: and the like.

Note, that the dissents of the menstrual or strong waters may hinder the incorporation, as well as the dissents of the metals themselves; therefore where the menstrua are the same, and yet the incorporation followeth not, you may conclude the dissent is in the metals; but where the menstrua are several, not so certain.

Dr. Meverel's answer to the foregoing questions, concerning the compounding, incorporating, or union of metals and minerals.

Gold will incorporate with silver in any proportion. Plin. lib. xxxiii. cap. 4.—"Omni auro inest argentum vario pondere; alibi dena, alibi nona, alibi octava parte—Ubicunque quinta argenti portio invenitur, electrum vocatur." The body remains fixt, solid, and coloured, according to the proportion of the two metals.

Gold with quicksilver easily mixeth, but the product is imperfectly fixed; and so are all other metals incorporate with mercury.

Gold incorporates with lead in any proportion.

Gold incorporates with copper in any proportion, the common allay.

Gold incorporates with brass in any proportion. And what is said of copper is true of brass, in the union of other metals.

Gold will not incorporate with iron.

Gold incorporates with tin, the ancient allay, Isa. i. 25.

What was said of gold and quicksilver, may be said of quicksilver and the rest of metals.

Silver with lead in any proportion.

Silver incorporates with copper. Pliny mentions such a mixture for triumphales statuæ, lib. xxxiii. 9. "Miscentur argento, tertia pars æris Cyprii tenuissimi, quod coronarium vocant, et sulphuris vivi quantum argenti." The same is true of brass.

Silver incorporates not with iron. Wherefore I wonder at that which Pliny hath, lib. xxxiii. 9. "Miscuit denario triumvir Antonius ferrum." And what is said of this is true of the rest; for iron incorporateth with none of them.

Silver mixes with tin.

Lead incorporates with copper. Such a mixture was the pot metal whereof Pliny speaks, lib. xxxiv. 9. "Ternis aut quaternis libris plumbi argentarii in centenas æris additis."

Lead incorporates with tin. The mixture of these two in equal proportions, is that which was anciently called "plumbum argentarium," Plin. lib. xxxiv. 17.

Copper incorporates with tin. Of such a mixture were the mirrors of the Romans. Plin. "At-

que ut omnia de speculis peragantur hoc loco, optima apud majores erant Brundusina, stanno et ære mistis." Lib. xxxiii. 9.

Compound metals now in use.

1. Fine tin. The mixture is thus: pure tin a thousand pounds, temper fifty pounds, glass of tin three pounds.

2. Coarse pewter is made of fine tin and lead. Temper is thus made: the dross of pure tin, four pounds and a half; copper, half a pound.

3. Brass is made of copper and calaminaris.

4. Bell-metal. Copper, a thousand pounds; tin from three hundred to two hundred pounds; brass, a hundred and fifty pounds.

5. Pot-metal, copper and lead.

6. White alchemy is made of pan-brass one pound, and arsenicum three ounces.

7. Red alchemy is made of copper and auripigment.

There be divers imperfect minerals, which will incorporate with the metals: being indeed metals inwardly, but clothed with earths and stones: as pyritis, calaminaris, misy, chalcitis, sory, vitriolum.

Metals incorporate not with glass, except they be brought into the form of glass.

Metals dissolved. The dissolution of gold and silver disagree, so that in their mixture there is great ebullition, darkness, and in the end a precipitation of black powder.

The mixture of gold and mercury agree.

Gold agrees with iron. In a word, the dissolution of mercury and iron agree with all the rest.

Silver and copper disagree, and so do silver and lead. Silver and tin agree.

The second letter of the cross-row, touching the separation of metals and minerals.

Separation is of three sorts; the first is, the separating of the pure metal from the ore or dross, which we call refining. The second is, the drawing one metal or mineral out of another, which we call extracting. The third is, the separating of any metal into its original or materia prima, or element, or call them what you will; which work we will call principiation.

1. For refining, we are to inquire of it according to the several metals; as gold, silver, &c. Incidentally we are to inquire of the first stone, or ore, or spar, or marcasite of metals severally, and what kind of bodies they are, and of the degrees of richness. Also we are to inquire of the means of separating, whether by fire, parting waters, or otherwise. Also for the manner of refining, you are to see how you can multiply the heat, or hasten the opening, and so save the charge in the fining.

The means of this in three manners; that is to say, in the blast of the fire; in the manner of the furnace, to multiply heat by union and reflexion; and by some additament, or medicines which will help the bodies to open them the soone .

Note, the quickening of the blast, and the multiplying of the heat in the furnace, may be the same for all metals; but the additaments must be several, according to the nature of the metals. Note again, that if you think that multiplying of the additaments in the same proportion that you multiply the ore, the work will follow, you may be deceived: for quantity in the passive will add more resistance, than the same quantity in the active will add force.

2. For extracting, you are to inquire what metals contain others, and likewise what not; as lead, silver; copper, silver, &c.

Note, although the charge of extraction should exceed the worth, yet that is not the matter: for at least it will discover nature and possibility, the other may be thought on afterwards.

We are likewise to inquire, what the differences are of those metals which contain more or less other metals, and how that agrees with the poorness or richness of the metals or ore in themselves. As the lead that contains most silver is accounted to be more brittle, and yet otherwise poorer in itself.

3. For principiation, I cannot affirm whether there be any such thing or not; and I think the chemists make too much ado about it: but howsoever it be, be it solution or extraction, or a kind of conversion by the fire; it is diligently to be inquired what salts, sulphur, vitriol, mercury, or the like simple bodies are to be found in the several metals, and in what quantity.

Dr. Meverel's answers to the foregoing questions, touching the separations of metals and minerals.

1. For the means of separating. After that the ore is washed, or cleansed from the earth, there is nothing simply necessary, save only a wind furnace well framed, narrow above and at the hearth, in shape oval, sufficiently fed with charcoal and ore, in convenient proportions.

For additions in this first separation, I have observed none; the dross the mineral brings being sufficient. The refiners of iron observe, that that iron-stone is hardest to melt which is fullest of metal, and that easiest which hath most dross. But in lead and tin the contrary is noted. Yet in melting of metals, when they have been calcined formerly by fire, or strong waters, there is good use of additaments, as of borax, tartar, armoniac, and salt-petre.

2. In extracting of metals. Note, that lead and tin contain silver. Lead and silver contain gold. Iron contains brass. Silver is best separated from lead by the test. So gold from silver. Yet the best way for that is aqua regia.

3. For principiation. I can truly and boldly affirm, that there are no such principals as sal, sulphur, and mercury, which can be separated from any perfect metals. For every part so separated, may easily be reduced into perfect metal without substitution of that, or those principles which chemists imagine to be wanting. As suppose you take the salt of lead; this salt, or as some name it, sulphur, may be turned into perfect lead, by melting it with the like quantity of lead which contains principles only for itself.

I acknowledge that there is quicksilver and brimstone found in the imperfect minerals: but those

are nature's remote materials, and not the chemist's principles. As if you dissolve antimony by aqua regia, there will be real brimstone swimming upon the water: as appears by the colour of the fire when it is burnt, and by the smell.

The third letter of the cross-row, touching the variation of metals into several shapes, bodies, or natures, the particulars whereof follow.

Tincture: turning to rust: calcination: sublimation: precipitation: amalgamatizing, or turning into a soft body: vitrification: opening or dissolving into liquor: sproutings, or branchings, or arborescents: induration and mollification: making tough or brittle: volatility and fixation: transmutation, or version.

For tincture: it is to be inquired how metal may be tinged through and through, and with what, and into what colours; as tinging silver yellow, tinging copper white, and tinging red, green, blue; especially with keeping the lustre.

Item, tincture of glasses.

Item, tincture of marble, flint, or other stone.

For turning into rust, two things are chiefly to be inquired; by what corrosives it is done, and into what colours it turns; as lead into white, which they call ceruss; iron into yellow, which they call crocus martis; quicksilver into vermilion; brass into green, which they call verdigrease.

For calcination; how every metal is calcined, and into what kind of body, and what is the exquisitest way of calcination.

For sublimation; to inquire the manner of subliming, and what metals endure subliming, and what body the sublimate makes.

For precipitation likewise; by what strong water every metal will precipitate, and with what additaments, and in what time, and into what body.

So for amalgama; what metals will endure it, what are the means to do it, and what is the manner of the body.

For vitrification likewise; what metals will endure it, what are the means to do it, into what colour it turns; and farther, where the whole metal is turned into glass, and where the metal doth but hang in the glassy parts; also what weight the vitrified body bears, compared with the crude body; also because vitrification is accounted a kind of death of metals, what vitrification will admit of turning back again, and what not.

For dissolution into liquor, we are to inquire what is the proper menstruum to dissolve any metal, and in the negative, what will touch upon the one and not upon the other, and what several menstrua will dissolve any metal, and which most exactly. Item, the process or motion of the dissolution, the manner of rising, boiling, vapouring more violent, or more gentle, causing much heat or less. Item, the quantity or charge that the strong water will bear, and then give over. Item, the colour into which the liquor will turn. Above all, it is to be inquired, whether there be any menstruum to dissolve any metal that is not fretting, or corroding; and openeth the body by sympathy, and not by mordacity or violent penetration.

For sprouting or branching, though it be a thing but transitory, and a kind of toy or pleasure, yet there is a more serious use of it: for that it discovereth the delicate motions of spirits, when they put forth and cannot get forth, like unto that which is in vegetables.

For induration, or mollification; it is to be inquired what will make metals harder and harder, and what will make them softer and softer. And this inquiry tendeth to two ends: first, for use; as to make iron soft by the fire makes it malleable. Secondly, because induration is a degree towards fixation, and mollification towards volatility; and therefore the inquiry of them will give light towards the other.

For tough and brittle, they are much of the same kind, but yet worthy of an inquiry apart, especially to join hardness with toughness, as making glass malleable, &c. and making blades strong to resist and pierce, and yet not easy to break.

For volatility and fixation. It is a principal branch to be inquired: the utmost degree of fixation is that whereon no fire will work, nor strong water joined with fire, if there be any such fixation possible. The next is when fire simply will not work without strong waters. The next is by the test. The next is when it will endure fire not blown, or such a strength of fire. The next is when it will not endure, but yet is malleable. The next is when it is not malleable, but yet is not fluent, but stupified. So of volatility, the utmost degree is when it will fly away without returning. The next is when it will fly up, but with ease return. The next is when it will fly upwards over the helm by a kind of exsufflation without vapouring. The next is when it will melt though not rise. The next is when it will soften though not melt. Of all these diligent inquiry is to be made in several metals, especially of the more extreme degrees.

For transmutation or version. If it be real and true, it is the farthest part of art, and would be well distinguished from extraction, from restitution, and from adulteration. I hear much of turning iron into copper; I hear also of the growth of lead in weight, which cannot be without a conversion of some body into lead: but whatsoever is of this kind, and well expressed, is diligently to be inquired and set down.

Dr. Meverel's answers to the foregoing questions, concerning the variation of metals and minerals.

1. For tinctures, there are none that I know, but that rich variety which springs from mixture of metals with metals, or imperfect minerals.

2. The imperfect metals are subject to rust, all of them except mercury, which is made into vermilion by solution, or calcination. The rest are rusted by any salt, sour, or acid water. Lead into a white body called cerussa. Iron into a pale red called ferrugo. Copper is turned into green, named ærugo, æs viride. Tin into white: but this is not in use, neither hath it obtained a name.

The Scriptures mention the rust of gold, but that is in regard of the allay.

3. Calcination. All metals may be calcined by strong waters, or by admixtion of salt, sulphur, and mercury. The imperfect metals may be calcined by continuance of simple fire; iron thus calcined is called crocus martis.

And this is their best way. Gold and silver are best calcined by mercury. Their colour is grey. Lead calcined is very red. Copper dusky red.

4. Metals are sublimed by joining them with mercury or salts. As silver with mercury, gold with sal armoniac, mercury with vitriol.

5. Precipitation is, when any metal being dissolved into a strong water, is beaten down into a powder by salt water. The chiefest in this kind is oil of tartar.

6. Amalgamation is the joining or mixing of mercury with any other of the metals. The manner is this in gold, the rest are answerable: take six parts of mercury, make them hot in a crucible, and pour them to one part of gold made red hot in another crucible, stir these well together that they may incorporate; which done, cast the mass into cold water and wash it. This is called the amalgama of gold.

7. For vitrification. All the imperfect metals may be turned by strong fire into glass, except mercury; iron into green; lead into yellow; brass into blue; tin into pale yellow. For gold and silver I have not known them vitrified, except joined with antimony. These glassy bodies may be reduced into the form of mineral bodies.

8. Dissolution. All metals without exception may be dissolved.

(1.) Iron may be dissolved by any tart, salt, or vitriolated water; yea, by common water, if it be first calcined with sulphur. It dissolves in aqua fortis with great ebullition and heat, into a red liquor, so red as blood.

(2.) Lead is fittest dissolved in vinegar, into a pale yellow, making the vinegar very sweet.

(3.) Tin is best dissolved with distilled salt water. It retains the colour of the menstruum.

(4.) Copper dissolves as iron doth, in the same liquor, into a blue.

(5.) Silver hath its proper menstruum, which is aqua fortis. The colour is green, with great heat and ebullition.

(6.) Gold is dissolved with aqua regia, into a yellow liquor, with little heat or ebullition.

(7.) Mercury is dissolved with much heat and boiling, into the same liquors which gold and silver are. It alters not the colour of the menstruum.

Note. Strong waters may be charged with half their weight of fixed metals, and equal of mercury; if the workman be skilful.

9. Sprouting. This is an accident of dissolution. For if the menstruum be overcharged, then within short time the metals will shoot into certain crystals.

10. For induration, or mollification, they depend upon the quantity of fixed mercury and sulphur. I have observed little of them, neither of toughness nor brittleness.

11. The degrees of fixation and volatility I acknowledge except the two utmost, which never were observed.

12. The question of transmutation is very doubtful. Wherefore I refer your honour to the fourth tome of "Theatrum Chymicum:" and there, to that tract which is entitled "Disquisitio Heliana;" where you shall find full satisfaction.

The fourth letter of the cross-row, touching restitution.

First, therefore, it is to be inquired in the negative, what bodies will never return, either by their extreme fixings, as in some vitrifications, or by extreme volatility.

It is also to be inquired of the two means of reduction; and first by the fire, which is but by congregation of homogeneal parts.

The second is, by drawing them down by some body that hath consent with them. As iron draweth down copper in water; gold draweth quicksilver in vapour; whatsoever is of this kind, is very diligently to be inquired.

Also it is to be inquired what time, or age, will reduce without help of fire or body.

Also it is to be inquired what gives impediment to union or restitution, which is sometimes called mortification; as when quicksilver is mortified with turpentine, spittle, or butter.

Lastly, it is to be inquired, how the metal restored, differeth in any thing from the metal rare: as whether it become not more churlish, altered in colour, or the like.

Dr. Meverel's answers touching the restitutions of metals and minerals.

Reduction is chiefly effected by fire, wherein if they stand and nele, the imperfect metals vapour away, and so do all manner of salts which separated them in minimas partes before.

Reduction is singularly holpen, by joining store of metal of the same nature with it in the melting.

Metals reduced are somewhat churlish, but not altered in colour.

THE LORD VERULAM'S INQUISITION

Concerning the versions, transmutations, multiplications, and effections of bodies.

Earth by fire is turned into brick, which is of the nature of a stone, and serveth for building, as stone doth; and the like of tile. *Qu.* the manner.

Naphtha, which was the bituminous mortar used in the walls of Babylon, grows to an entire and very hard matter like a stone.

In clay countries, where there is pebble and gravel, you shall find great stones, where you may see the pebbles or gravel, and between them a substance of stone as hard or harder than the pebble itself.

There are some springs of water, wherein if you put wood, it will turn into the nature of stone: so as that within the water shall be stone, and that above the water continue wood.

The slime about the reins and bladder in man's body turn into stone: and stone is likewise found

often in the gall; and sometimes, though rarely, in vena porta.

Query, what time the substance of earth in quarries saketh to be turned into stones?

Water, as it seems, turneth into crystal, as is seen in divers caves, where the crystal hangs in stillicidiis.

Try wood, or the stalk of herbs, buried in quicksilver, whether it will not grow hard and stony.

They speak of a stone engendered in a toad's head.

There was a gentleman, digging in his moat, found an egg turned into stone, the white and the yolk keeping their colour, and the shell glistering like a stone cut with corners.

Try some things put into the bottom of a well; as wood, or some soft substance: but let it not touch the water, because it may not putrify.

They speak, that the white of an egg, with lying long in the sun, will turn stone.

Mud in water turns into shells of fishes, as in horse-mussels, in fresh ponds, old and over-grown. And the substance is a wondrous fine substance, light and shining.

A SPEECH TOUCHING THE RECOVERING OF DROWNED MINERAL WORKS,

*Prepared for the parliament (as Mr. Bushel affirmed) by the Viscount of St. Albans, then Lord High Chancellor of England.**

MY LORDS AND GENTLEMEN,

THE king, my royal master, was lately graciously pleased to move some discourse to me concerning Mr. Sutton's hospital, and such like worthy foundations of memorable piety: which humbly seconded by myself, drew his majesty into a serious consideration of the mineral treasures of his own territories, and the practical discoveries of them by way of my philosophical theory: which he then so well resented, that afterwards, upon a mature digestion of my whole design, he commanded me to let your lordships understand how great an inclination he hath to further so hopeful a work, for the honour of his dominions, as the most probable means to relieve all the poor thereof, without any other stock or benevolence, than that which divine bounty should confer on their own industries and honest labours, in recovering all such drowned mineral works, as have been, or shall be therefore deserted.

And, my lords, all that is now desired of his majesty and your lordships, is no more than a gracious act of this present parliament to authorize them herein, adding a mercy to a munificence, which is, the persons of such strong and able petty felons, who, in true penitence for their crimes, shall implore his majesty's mercy and permission to expiate their offences by their assiduous labours in so innocent and hopeful a work.

For by this unchargeable way, my lords, have I proposed to erect the academical fabric of this island's Solomon's House, modelled in my New Atlantis. And I can hope, my lords, that my midnight studies, to make our countries flourish and outvie European neighbours in mysterious and beneficent arts, have not so ingratefully affected your noble intellects, that you will delay or resist his majesty's desires, and my humble petition in this benevolent, yea, magnificent affair; since your honourable posterities may be enriched thereby, and my ends are only to make the world my heir, and the learned fathers of my Solomon's House, the successive and sworn trustees in the dispensation of this great service, for God's glory, my prince's magnificence, this parliament's honour, our country's general good, and the propagation of my own memory.

And I may assure your lordships, that all my proposals in order to this great architype, seemed so rational and feasible to my royal sovereign, our christian Solomon, that I thereby prevailed with his majesty to call this honourable parliament, to confirm and empower me in my own way of mining, by an act of the same, after his majesty's more weighty affairs were considered in your wisdoms; both which he desires your lordships, and you gentlemen that are chosen as the patriots of your respective countries, to take speedy care of: which done, I shall not then doubt the happy issue of my undertakings in this design, whereby concealed treasures, which now seem utterly lost to mankind, shall be confined to so universal a piety, and brought into use by the industry of converted penitents, whose wretched carcasses the impartial laws have, or shall dedicate, as untimely feasts, to the worms of the earth, in whose womb those deserted mineral riches must ever lie buried as lost abortments, unless those be made the active midwives to deliver them. For, my lords, I humbly conceive them to be the fittest of all men to effect this great work, for the ends and causes which I have before expressed.

All which, my lords, I humbly refer to your grave and solid judgments to conclude of, together with such other assistances to this frame, as your own oraculous wisdom shall intimate, for the magnifying our Creator in his inscrutable providence, and admirable works of nature.

Certain experiments made by the Lord BACON *about weight in air and water.*

A NEW sovereign of equal weight in the air to the piece in brass, overweigheth in the water nine grains: in three sovereigns the difference in the water is but twenty-four grains.

The same sovereign overweigheth an equal weight of lead, four grains in the water, in brass grains for gold: in three sovereigns about eleven grains.

The same sovereign overweigheth an equal weight of stones in the air, at least sixty-five grains in the water: the grains being for the weight of gold in brass metal.

A glass filled with water weighing, in Troy weights, thirteen ounces and five drams, the glass and the water together weigheth severally, viz. the water nine ounces and a half, and the glass four ounces and a dram.

* See Mr. Boe's extract, p. 18, 19.

A bladder weighing two ounces seven drams and a half, a pebble laid upon the top of the bladder makes three ounces six drams and a half, the stone weighing seven drams.

The bladder, as above, blown, and the same fallen, weigheth equal.

A sponge dry weigheth one ounce twenty-six grains: the same sponge being wet, weigheth fourteen ounces six drams and three quarters: the water weigheth in several eleven ounces one dram and a half, and the sponge three ounces and a half, and three quarters of a dram. First time.

The sponge and water together weigh fifteen ounces and seven drams: in several, the water weigheth eleven ounces and seven drams, and the sponge three ounces seven drams and a half. Second time.

Three sovereigns made equal to a weight in silver in the air, differ in the water.

For false weights, one beam long, the other thick.

The stick and thread weigh half a dram, and twenty grains, being laid in the balance.

The stick tied to reach within half an inch of the end of the beam, and so much from the tongue, weigheth twenty-eight grains; the difference is twenty-two grains.

The same stick being tied to hang over the end of the beam an inch and a half, weigheth half a dram and twenty-four grains, exceeding the weight of the said stick in the balance by four grains.

The same stick being hanged down beneath the thread, as near the tongue as is possible, weigheth only eight grains.

Two weights of gold being made equal in the air, and weighing severally seven drams; the one balance being put into the water, and the other hanging in the air, the balance in the water weigheth only five drams and three grains, and abateth of the weight in the air, one dram and a half, and twenty-seven grains.

The same trial being made the second time, and more truly and exactly betwixt gold and gold, weighing severally, as above; and making a just and equal weight in the air, the one balance being put into the water the depth of five inches, and the other hanging in the air, the balance in the water weigheth only four drams, and fifty-five grains, and abateth of the weight in the air two drams and five grains.

The trial being made betwixt lead and lead, weighing severally seven drams in the air, the balance in the water weigheth only four drams and forty-one grains, and abateth of the weight in the air two drams and nineteen grains; the balance kept the same depth in the water as abovesaid.

The trial being made betwixt silver and silver, weighing severally seven drams in the air, the balance in the water weigheth only four drams and twenty-five grains. So it abateth two drams and thirty-five grains; the same depth in the water observed.

In iron and iron, weighing severally each balance in the air seven drams, the balance in the water weigheth only four drams and eighteen grains; and abateth of the weight in the air two drams and forty-two grains; the depth observe as above.

In stone and stone, the same weight of seven drams equally in the air, the balance in the water weigheth only two drams and twenty-two grains; and abateth of the weight in the air four drams and thirty-eight grains; the depth as above.

In brass and brass, the same weight of seven drams in each balance, equal in the air, the balance in the water weigheth only four drams and twenty-two grains; and abateth in the water two drams and thirty-eight grains; the depth observed.

The two balances being weighed in air and water, the balance in the air overweigheth the other in the water one dram and twenty-eight grains; the depth in the water as aforesaid.

It is a profitable experiment which showeth the weights of several bodies in comparison with water. It is of use in lading of ships, and other bottoms, and may help to show what burden in the several kinds they will bear.

Certain sudden thoughts of the Lord BACON'S, *set down by him under the title of* EXPERIMENTS FOR PROFIT.

Muck of leaves: muck of river, earth, and chalk: muck of earth closed, both for salt-petre and muck: setting of wheat and peas: mending of crops by steeping of seeds: making peas, cherries, and strawberries come early: strengthening of earth for often returns of radishes, parsnips, turnips, &c.; making great roots of onions, radishes, and other esculent roots: sowing of seeds of trefoil: setting of woad: setting of tobacco, and taking away the rawns: grafting upon boughs of old trees: making of a hasty coppice: planting of osiers in wet grounds: making of candles to last long: building of chimneys, furnaces, and ovens, to give heat with less wood: fixing of logwood: other means to make yellow and green fixed: conserving of oranges, lemons, citrons, pomegranates, &c. all summer: recovering of pearl, coral, turcoise colour, by a conservatory of snow: sowing of fennel: brewing with hay, haws, trefoil, broom, hips, bramble-berries, woodbines, wild thyme, instead of hops, thistles: multiplying and dressing artichokes.

Certain experiments of the Lord BACON'S, *about the commixture of liquors only, not solids, without heat or agitation, but only by simple composition and settling.*

Spirit of wine mingled with common water, although it be much lighter than oil, yet so as if the first fall be broken, by means of a sop, or otherwise, it stayeth above; and if it be once mingled, it severeth not again, as oil doth. Tried with water coloured with saffron.

Spirit of wine mingled with common water hath a kind of clouding, and motion showing no ready commixture. Tried with saffron.

A dram of gold dissolved in aqua regis, with a dram of copper in aqua fortis, commixed, gave a green colour, but no visible motion in the parts. Note, that the dissolution of the gold was, twelve

parts water to one part body: and of the copper was, six parts water to one part body.

Oil of almonds commixed with spirit of wine severeth, and the spirit of wine remaineth on the top, and the oil in the bottom.

Gold dissolved, commixed with spirit of wine, a dram of each doth commix, and no other apparent alteration.

Quicksilver dissolved with gold dissolved, a dram of each, doth turn to a mouldy liquor, black, and like smith's water.

Note, the dissolution of the gold was twelve parts water, ut supra, and one part metal: that of water was two parts, and one part metal.

Spirit of wine and quicksilver commixed, a dram of each, at the first showed a white milky substance at the top, but soon after mingled.

Oil of vitriol commixed with oil of cloves, a dram of each, turneth into a red dark colour; and a substance thick almost like pitch: and upon the first motion gathereth an extreme heat, not to be endured by touch.

Dissolution of gold, and oil of vitriol commixed, a dram of each, gathereth a great heat at the first, and darkeneth the gold, and maketh a thick yellow.

Spirit of wine and oil of vitriol, a dram of each, hardly mingle; the oil of vitriol going to the bottom, and the spirit of wine lying above in a milky substance. It gathereth also a great heat, and a sweetness in the taste.

Oil of vitriol and dissolution of quicksilver, a dram of each, maketh an extreme strife, and casteth up a very gross fume, and after casteth down a white kind of curds, or sands; and on the top a slimish substance, and gathereth a great heat.

Oil of sulphur and oil of cloves commixed a dram of each, turn into a thick and red-coloured substance; but no such heat as appeared in the commixture with the oil of vitriol.

Oil of petroleum and spirit of wine, a dram of each, intermingle otherwise than by agitation, as wine and water do; and the petroleum remaineth on the top.

Oil of vitriol and petroleum, a dram of each, turn into a mouldy substance, and gathereth some warmth; there residing a black cloud in the bottom, and a monstrous thick oil on the top.

Spirit of wine and red-wine vinegar, one ounce of each, at the first fall, one of them remaineth above, but by agitation they mingle.

Oil of vitriol and oil of almonds, one ounce of each, mingle not; but the oil of almonds remaineth above.

Spirit of wine and vinegar, an ounce of each, commixed, do mingle, without any apparent separation, which might be in respect of the colour.

Dissolution of iron, and oil of vitriol, a dram of each, do first put a milky substance, into the bottom, and after incorporate into a mouldy substance.

Spirit of wine commixed with milk, a third part spirit of wine, and two parts milk, coagulateth little, but mingleth; and the spirit swims not above.

Milk and oil of almonds mingled, in equal portions, do hardly incorporate, but the oil cometh above, the milk being poured in last; and the milk appeareth in some drops or bubbles.

Milk one ounce, oil of vitriol a scruple, doth coagulate; the milk at the bottom, where the vitriol goeth.

Dissolution of gum tragacanth, and oil of sweet almonds, do not commingle, the oil remaining on the top till they be stirred, and make the mucilage somewhat more liquid.

Dissolution of gum tragacanth one ounce and a half, with half an ounce of spirit of wine, being commixed by agitation, make the mucilage more thick.

The white of an egg with spirit of wine, doth bake the egg into clots, as if it began to poch.

One ounce of blood, one ounce of milk, do easily incorporate.

Spirit of wine doth curdle the blood.

One ounce of whey unclarified, one ounce of oil of vitriol, make no apparent alteration.

One ounce of blood, one ounce of oil of almonds, incorporate not, but the oil swims above.

Three quarters of an ounce of wax being dissolved upon the fire, and one ounce of oil of almonds put together and stirred, do not so incorporate, but that when it is cold the wax gathereth and swims upon the top of the oil.

One ounce of oil of almonds cast into an ounce of sugar seething, sever presently, the sugar shooting towards the bottom.

A catalogue of bodies attractive and not attractive, together with experimental observations about attraction.

These following bodies draw: amber, jet, diamond, sapphire, carbuncle, iris, the gem opale, amethyst, bristollina, crystal, clear glass, glass of antimony, divers flowers from mines, sulphur mastic, hard sealing-wax, the harder rosin, arsenic.

These following bodies do not draw: smaragd, achates, corneolus, pearl, jaspis, chalcedonius, alabaster, porphyry, coral, marble, touchstone, hæmatites, or blood-stone; smyris, ivory, bones, ebon-tree, cedar, cypress, pitch, softer rosin, camphire, galbanum, ammoniac, storax, benzoin, loadstone, asphaltum.*

These bodies, gold, silver, brass, iron, draw not, though never so finely polished.

In winter, if the air be sharp and clear, sal gemmeum, roch allum, and lapis specularis, will draw.

These following bodies are apt to be drawn, if the mass of them be small: chaff, woods, leaves, stones, all metals leaved, and in the mine; earth, water, oil.

* The drawing of iron excepted.

MEDICAL REMAINS.

Grains of youth.

Take of nitre four grains, of ambergrease three grains, of orris-powder two grains, of white poppy-seed the fourth part of a grain, of saffron half a grain, with water of orange-flowers, and a little tragacanth; make them into small grains, four in number. To be taken at four a-clock, or going to bed.

Preserving ointments.

Take of deers suet one ounce, of myrrh six grains, of saffron five grains, of bay-salt twelve grains, of Canary wine, of two years old, a spoonful and a half. Spread it on the inside of your shirt, and let it dry, and then put it on.

A purge familiar for opening the liver.

Take rhubarb two drams, agaric trochiscat one dram and a half, steep them in claret wine burnt with mace; take of wormwood one dram, steep it with the rest, and make a mass of pills, with syrup. acetos. simplex. But drink an opening broth before it, with succory, fennel, and smallage roots, and a little of an onion.

Wine for the spirits.

Take gold perfectly refined three ounces, quench it six or seven times in good claret wine; add of nitre six grains for two draughts: add of saffron prepared three grains, of ambergrease four grains, pass it through an hippocras bag, wherein there is a dram of cinnamon gross beaten, or, to avoid the dimming of the colour, of ginger. Take two spoonfuls of this to a draught of fresh claret wine.

The preparing of saffron.

Take six grains of saffron, steeped in half parts of wine and rose water, and a quarter part vinegar: then dry it in the sun.

Wine against adverse melancholy, preserving the senses and the reason.

Take the roots of buglos well scraped and cleansed from their inner pith, and cut them into small slices; steep them in wine of gold extinguished ut supra, and add of nitre three grains, and drink it ut supra, mixed with fresh wine; the roots must not continue steeped above a quarter of an hour; and they must be changed thrice.

Breakfast preservative against the gout and rheums.

To take once in the month at least, and for two days together, one grain of castorei in my ordinary broth.

The preparation of garlic.

Take garlic four ounces, boil it upon a soft fire in claret wine, for half an hour. Take it out and steep it in vinegar; whereto add two drams of cloves, then take it forth, and keep it in a glass for use.

The artificial preparation of damask roses for smell.

Take roses, pull their leaves, then dry them in a clear day in the hot sun: then their smell will be as gone. Then cram them into an earthen bottle, very dry and sweet, and stop it very close; they will remain in smell and colour both fresher than those that are otherwise dried. Note, the first drying, and close keeping upon it, preventeth all putrefaction, and the second spirit cometh forth, made of the remaining moisture not dissipated.

A restorative drink.

Take of Indian maiz half a pound, grind it not too small, but to the fineness of ordinary meal, and then bolt and searce it, that all the husky part may be taken away. Take of eryngium roots three ounces, of dates as much, of enula two drams, of mace three drams, and brew them with ten shilling beer to the quantity of four gallons: and this do, either by decocting them in a bottle of wort, to be after mingled with the beer, being new tapped, or otherwise infuse it in the new beer, in a bag. Use this familiarly at meals.

Against the waste of the body by heat.

Take sweet pomegranates, and strain them lightly, not pressing the kernel, into a glass; where put some little of the peel of a citron, and two or three cloves, and three grains of ambergrease, and a pretty deal of fine sugar. It is to be drunk every morning whilst pomegranates last.

Methusalem water. Against all asperity and torrefaction of inward parts, and all adustion of the blood, and generally against the dryness of age.

Take crevises very new, q. s. boil them well in claret wine; of them take only the shells, and rub

them very clean, especially on the inside, that they may be thoroughly cleansed from the meat. Then wash them three or four times in fresh claret wine, heated: still changing the wine, till all the fish-taste be quite taken away. But in the wine wherein they are washed, steep some tops of green rosemary; then dry the pure shell thoroughly, and bring them to an exquisite powder. Of this powder take three drams. Take also pearl, and steep them in vinegar twelve hours, and dry off the vinegar; of this powder also three drams. Then put the shell powder and pearl powder together, and add to them of ginger one scruple, and of white poppy-seed half a scruple, and steep them in spirit of wine, wherein six grains of saffron have been dissolved, seven hours. Then upon a gentle heat vapour away all the spirit of wine, and dry the powder against the sun without fire. Add to it of nitre one dram, of ambergrease one scruple and a half; and so keep this powder for use in a clean glass. Then take a pottle of milk, and slice in it of fresh cucumbers, the inner pith only, the rind being pared off, four ounces, and draw forth a water by distillation. Take of claret wine a pint, and quench gold in it four times.

Of the wine, and of the water of milk, take of each three ounces, of the powder one scruple, and drink it in the morning; stir up the powder when you drink, and walk upon it.

A catalogue of astringents, openers, and cordials, instrumental to health.

ASTRINGENTS.

Red rose, black-berry, myrtle, plantane, flower of pomegranate, mint, aloes well washed, myrobalanes, dates, agrestia fraga, mastich, myrrh, saffron, leaves of rosemary, rhubarb received by infusion, cloves, service-berries, corna, wormwood, bole armeniac, sealed earth, cinquefoil, tincture of steel, sanguis draconis, coral, amber, quinces, spikenard, galls, alum, blood-stone, mummy, amomum, galangal, cypress, ivy, psyllum, houseleek, sallow, mullein, vine, oak-leaves, lignum aloes, red sanders, mulberry, medlars, flowers of peach-trees, pomegranates, pears, palmule, pith of kernels, purslain, acacia, laudanum, tragacanth, thus olibani, comfrey, shepherd's purse, polygonium.

Astringents, both hot and cold, which corroborate the parts, and which confirm and refresh such of them as are loose or languishing.

Rosemary, mint, especially with vinegar, cloves, cinnamon, cardamom, lign-aloes, rose, myrtle, red sanders, cotonea, red wine, chalybeat wine, five-finger grass, plantane, apples of cypress, berberries, fraga, service-berries, cornels, ribes, sour pears, rambesia.

Astringents styptic, which by their styptic virtue may stay fluxes.

Sloes, acacia, rind of pomegranates infused, at least three hours, the styptic virtue not coming forth in lesser time. Alum, galls, juice of sallow, syrup of unripe quinces, balaustia, the whites of eggs boiled hard in vinegar.

Astringents, which by their cold and earthy nature may stay the motion of the humours tending to a flux.

Sealed earth, sanguis draconis, coral, pearls, the shell of the fish dactylus.

Astringents, which by the thickness of their substance stuff as it were the thin humours, and thereby stay fluxes.

Rice, beans, millet, cauls, dry cheese, fresh goats' milk.

Astringents, which by virtue of their glutinous substance restrain a flux, and strengthen the looser parts.

Karabe,* mastich, spodium, hartshorn, frankincense, dried bulls pistle, gum tragacanth.

Astringents purgative, which, having by their purgative or expulsive power thrust out the humours, leave behind them astrictive virtue.

Rhubarb, especially that which is toasted against the fire: myrobalanes, tartar, tamarinds, an Indian fruit like green damasceenes.

Astringents which do very much suck and dry up the humours, and thereby stay fluxes.

Rust of iron, crocus martis, ashes of spices.

Astringents, which by their nature do dull the spirits, and lay asleep the expulsive virtue, and take away the acrimony of all humours.

Laudanum, mithridate, diascordium, diacodium.

Astringents, which, by cherishing the strength of the parts, do comfort and confirm their retentive power.

A stomacher of scarlet cloth: whelps, or young healthy boys, applied to the stomach: hippocratic wines, so they be made of austere materials.

OPENERS.

Succory, endive, betony, liverwort, petroselinum, smallage, asparagus, roots of grass, dodder, tamarisk, juncus odoratus, lacca, cupparus, wormwood, chamæpitys, fumaria, scurvy-grass, eringo, nettle, ireos, elder, hyssop, aristolochia, gentian, costus, fennel root, maiden-hair, harts-tongue, daffodilly, asarum, sarsaparilla, sassafras, acorns, abrotonum, aloes, agaric, rhubarb infused, onions, garlic, bother, squilla, sowbread, Indian nard, Celtic nard, bark of laurel-tree, bitter almonds, holy thistle, camomile, gun-powder, sows (millepedes), ammoniac, man's urine, rue, park leaves (vitex), centaury, lupines, chamædrys, costum, ammios, bistort, camphire, daucus seed, Indian balsam, scordium, sweet cane, galingal, agrimony.

CORDIALS.

Flowers of basil royal, flores caryophyllati, flowers of buglos and borage, rind of citron, orange flowers,

* Perhaps he meant the fruit of Karobe.

rosemary and its flowers, saffron, musk, amber, folium, i. e. nardi folium, balm-gentle, pimpernel, gems, gold, generous wines, fragrant apples, rose, rosa moschata, cloves, lign-aloes, mace, cinnamon, nutmeg, cardamom, galingal, vinegar, kermes berry, herba moschata, betony, white sanders, camphire, flowers of heliotrope, penny royal, scordium, opium corrected, white pepper, nasturtium, white and red bean, castum dulce, dactylus, pine, fig, egg-shell, vinum malvaticum, ginger, kidneys, oysters, crevises, or river crabs, seed of nettle, oil of sweet almonds, sesaminum oleum, asparagus, bulbous roots, onions, garlic, eruca, daucus seed, eringo, siler montanus, the smell of musk, cynethi odor, caraway seed, flower of puls, aniseed, pellitory, anointing of the testicles with oil of elder in which pellitory hath been boiled, cloves with goats milk, olibanum.

An extract by the Lord BACON, *for his own use, out of the book of the prolongation of life, together with some new advices in order to health.*

1. Once in the week, or at least in the fortnight, to take the water of mithridate distilled, with three parts to one, or strawberry-water to allay it; and some grains of nitre and saffron, in the morning between sleeps.

2. To continue my broth with nitre; but to interchange it every other two days, with the juice of pomegranates expressed, with a little cloves, and rind of citron.

3. To order the taking of the maceration* as followeth.

To add to the maceration six grains of cremor tartari, and as much enula.

To add to the oxymel some infusion of fennel-roots in the vinegar, and four grains of angelica-seed, and juice of lemons, a third part to the vinegar.

To take it not so immediately before supper, and to have the broth specially made with barley, rosemary, thyme, and cresses.

Sometimes to add to the maceration three grains of tartar, and two of enula, to cut the more heavy and viscous humours; lest rhubarb work only upon the lightest.

To take sometimes the oxymel before it, and sometimes the Spanish honey simple.

4. To take once in the month at least, and for two days together, a grain and a half of castor, in my broth, and breakfast.

5. A cooling clyster to be used once a month, after the working of the maceration is settled.

Take of barley-water, in which the roots of bugloss are boiled, three ounces, with two drams of red sanders, and two ounces of raisins of the sun, and one ounce of dactyles, and an ounce and a half of fat caricks; let it be strained, and add to it an ounce and a half of syrup of violets: let a clyster be made. Let this be taken, with veal, in the aforesaid decoction.

6. To take every morning the fume of lign-aloes, rosemary and bays dried, which I use; but once in a week to add a little tobacco, without otherwise taking it in a pipe.

7. To appoint every day an hour ad affectus intentionales et sanos. *Qu.* de particulari.

8. To remember masticatories for the mouth.

9. And orange-flower water to be smelt to or snuffed up.

10. In the third hour after the sun is risen, to take in air from some high and open place, with a ventilation of rosæ moschatæ, and fresh violets; and to stir the earth, with infusion of wine and mint.

11. To use ale with a little enula campana, carduus, germander, sage, angelica-seed, cresses of a middle age, to beget a robust heat.

12. Mithridate thrice a year.

13. A bit of bread dipt in vino odorato, with syrup of dry roses, and a little amber, at going to bed.

14. Never to keep the body in the same posture above half an hour at a time.

15. Four precepts. To break off custom. To shake off spirits ill disposed. To meditate on youth. To do nothing against a man's genius.

16. Syrup of quinces for the mouth of the stomach. Inquire concerning other things useful in that kind.

17. To use once during supper time wine in which gold is quenched.

18. To use anointing in the morning lightly with oil of almonds, with salt and saffron, and a gentle rubbing.

19. Ale of the second infusion of the vine of oak.

20. Methusalem water, of pearls and shells of crabs, and a little chalk.

21. Ale of raisins, dactyles, potatoes, pistachios, honey, tragacanth, mastic.

22. Wine with swines flesh or harts flesh.

23. To drink the first cup at supper hot, and half an hour before supper something hot and aromatised.

24. Chalybeates four times a year.

25. Pilulæ ex tribus, once in two months, but after the mass has been macerated in oil of almonds.

26. Heroic desires.

27. Bathing of the feet once in a month, with lye ex sale nigro, camomile, sweet marjoram, fennel, sage, and a little aqua vitæ.

28. To provide always an apt breakfast.

29. To beat the flesh before roasting of it.

30. Maceration in pickles.

31. Agitation of beer by ropes, or in wheelbarrows.

32. That diet is good which makes lean, and then renews. Consider of the ways to effect it.

MEDICAL RECEIPTS OF THE LORD BACON.

His Lordship's usual receipt for the Gout. To which he refers, Nat. Hist. Cent. I. *N.* 60.

1. *The poultis.*

Take of manchet about three ounces, the crumb only thin cut; let it be boiled in milk till it grow to a pulp. Add in the end a dram and a half of the powder of red roses; of saffron ten grains; of oil of

* Viz. of rhubarb infused into a draught of white wine and beer, mingled together for the space of half an hour, once in six or seven days. See the Lord Bacon's Life, by Dr. Rawley, towards the end.

roses an ounce; let it be spread upon a linen cloth, and applied lukewarm, and continued for three hours space.

2. *The bath or fomentation.*

Take of sage leaves half a handful; of the root of hemlock sliced six drams; of briony roots half an ounce; of the leaves of red roses two pugils; let them be boiled in a pottle of water, wherein steel hath been quenched, till the liquor come to a quart. After the straining, put in half a handful of bay salt. Let it be used with scarlet cloth, or scarlet wool, dipped in the liquor hot, and so renewed seven times; all in the space of a quarter of an hour, or little more.

3. *The plaster.*

Take emplastrum diachalciteos, as much as is sufficient for the part you mean to cover. Let it be dissolved with oil of roses, in such a consistence as will stick; and spread upon a piece of holland, and applied.

His Lordship's broth and fomentation for the stone.

The broth.

Take one dram of eryngium roots, cleansed and sliced; and boil them together with a chicken. In the end, add of elder flowers, and marigold flowers together, one pugil; of angelica-seed half a dram, of raisins of the sun stoned, fifteen; of rosemary, thyme, mace, together, a little.

In six ounces of this broth or thereabouts, let there be dissolved of white cremor tartari three grains.

Every third or fourth day, take a small toast of manchet, dipped in oil of sweet almonds new drawn, and sprinkled with a little loaf sugar. You may make the broth for two days, and take the one-half every day.

If you find the stone to stir, forbear the toast for a course or two. The intention of this broth is, not to void, but to undermine the quarry of the stones in the kidneys.

The fomentation.

Take of leaves of violets, mallows, pellitory of the wall, together, one handful; of flowers of camomile and melilot, together, one pugil; the root of marshmallows, one ounce; of anise and fennel seeds, together, one ounce and a half; of flax seed two drams. Make a decoction in spring water.

The second receipt, showing the way of making a certain ointment, which his Lordship called Unguentum fragrans, sive Romanum, the fragrant or Roman unguent.

Take of the fat of a deer half a pound; of oil of sweet almonds two ounces: let them be set upon a very gentle fire, and stirred with a stick of juniper till they are melted. Add of root of flower-de-luce powdered, damask roses powdered, together, one dram; of myrrh dissolved in rose-water half a dram; of cloves half a scruple; of civet four grains; of musk six grains; of oil of mace expressed one drop; as much of rose-water as sufficeth to keep the unguent from being too thick. Let all these be put together in a glass, and set upon the embers for the space of an hour, and stirred with a stick of juniper.

Note, that in the confection of this ointment, there was not used above a quarter of a pound, and a tenth part of a quarter of deer's suet: and that all the ingredients, except the oil of almonds, were doubled when the ointment was half made, because the fat things seemed to be too predominant.

The third receipt. A manus Christi for the stomach.

Take of the best pearls very finely pulverised, one dram; of sal nitre one scruple; of tartar two scruples; of ginger and galingal, together, one ounce and a half; of calamus, root of enula campana, nutmeg, together, one scruple and a half; of amber sixteen grains; of the best musk ten grains; with rose-water and the finest sugar, let there be made a manus Christi.

The fourth receipt. A secret for the stomach.

Take lignum aloes in gross shavings, steep them in sack, or alicant, changed twice, half an hour at a time, till the bitterness be drawn forth. Then take the shavings forth, and dry them in the shade, and beat them to an excellent powder. Of that powder, with the syrup of citron, make a small pill, to be taken before supper.

WORKS MORAL.

A FRAGMENT

OF THE

COLOURS OF GOOD AND EVIL.

TO THE LORD MOUNTJOYE.

I SEND you the last part of the best book of Aristotle of Stagira, who, as your Lordship knoweth, goeth for the best author. But saving the civil respect which is due to a received estimation, the man being a Grecian, and of a hasty wit, having hardly a discerning patience, much less a teaching patience, hath so delivered the matter, as I am glad to do the part of a good house-hen, which without any strangeness will sit upon pheasants' eggs. And yet perchance, some that shall compare my lines with Aristotle's lines, will muse by what art, or rather by what revelation, I could draw these conceits out of that place. But I, that should know best, do freely acknowledge, that I had my light from him; for where he gave me not matter to perfect, at the least he gave me occasion to invent. Wherein as I do him right, being myself a man that am as free from envying the dead in contemplation, as from envying the living in action or fortune: so yet, nevertheless, still I say, and I speak it more largely than before, that in perusing the writings of this person so much celebrated, whether it were the impediment of his wit, or that he did it upon glory and affectation to be subtile, as one that if he had seen his own conceits clearly and perspicuously delivered, perhaps would have been out of love with them himself; or else upon policy, to keep himself close, as one that had been a challenger of all the world, and had raised infinite contradiction: to what cause soever it is to be ascribed, I do not find him to deliver and unwrap himself well of that he seemeth to conceive; nor to be a master of his own knowledge. Neither do I for my part also, though I have brought in a new manner of handling this argument, to make it pleasant and lightsome, pretend so to have overcome the nature of the subject; but that the full understanding and use of it will be somewhat dark, and best pleasing the taste of such wits as are patient to stay the digesting and soluting unto themselves of that which is sharp and subtile. Which was the cause, joined with the love and honour which I bear to your Lordship, as the person I know to have many virtues, and an excellent order of them, which moved me to dedicate this writing to your Lordship after the ancient manner: choosing both a friend, and one to whom I conceived the argument was agreeable.

OF THE COLOURS OF GOOD AND EVIL.

IN deliberatives, the point is, what is good, and what is evil; and of good, what is greater, and of evil, what is less.

So that the persuader's labour is, to make things appear good or evil, and that in higher or lower degree; which as it may be performed by true and solid reasons, so it may be represented also by colours, popularities, and circumstances; which are of such force, as they sway the ordinary judgment either of a weak man, or of a wise man, not fully and considerately attending and pondering the matter. Besides their power to alter the nature of the subject in appearance, and so to lead to error, they are of no less use to quicken and strengthen the opinions and persuasions which are true; for reasons plainly delivered, and always after one manner, especially with fine and fastidious minds, enter but heavily and dully: whereas if they be varied, and have more life and vigour put into them by these forms and insinuations, they cause a stronger apprehension, and many times suddenly win the mind to a resolution. Lastly, to make a true and safe

judgment, nothing can be of greater use and defence to the mind, than the discovering and reprehension of these colours, showing in what cases they hold, and in what they deceive: which, as it cannot be done but out of a very-universal knowledge of the nature of things, so being performed, it so clearetb man's judgment and election, as it is the less apt to slide into any error.

A Table of the colours or appearances of Good and Evil, and their degrees, as places of persuasion and dissuasion, and their several fallacies, and the elenches of them.

I.

Cui cæteræ partes vel sectæ secundas unanimiter deferunt, cum singulæ principatum sibi vindicent, melior reliquis videtur. Nam primas quæque ex zelo videtur sumere, secundas autem ex vero et merito tribuere.

So Cicero went about to prove the sect of Academics, which suspended all asseveration, for to be the best. For, saith he, ask a Stoic which philosophy is true, he will prefer his own. Then ask him, which approacheth next to the truth, he will confess the Academics. So deal with the Epicure, that will scarce endure the Stoic to be in sight of him; so soon as he hath placed himself, he will place the Academics next him. So if a prince took divers competitors to a place, and examined them severally, whom next themselves they would rarest commend, it were like the ablest man should have the most second voices.

The fallax of this colour happeneth oft in respect of envy, for men are accustomed, after themselves and their own faction, to incline unto them which are softest, and are least in their way, in despite and derogation of them that hold them hardest to it. So that this colour of meliority and pre-eminence is a sign of enervation and weakness.

II.

Cujus excellentia vel exuperantia melior, id toto genere melius.

Appertaining to this are the forms: "Let us not wander in generalities: Let us compare particular with particular," &c. This appearance, though it seem of strength, and rather logical than rhetorical, yet is very oft a fallax.

Sometime because some things are in kind very casual, which if they escape prove excellent; so that the kind is inferior, because it is so subject to peril, but that which is excellent being proved is superior: as the blossom of March, and the blossom of May, whereof the French verse goeth:

"Burgeon de Mars, enfans de Paris,
Si un eschape, il en vaut dix."

So that the blossom of May is generally better than the blossom of March; and yet the best blossom of March is better than the best blossom of May. Sometimes because the nature of some kinds is to be more equal, and more different, and not to have very distant degrees; as hath been noted, in the warmer climates the people are generally more wise, but in the northern climates the wits of chief are greater. So in many armies, if the matter should be tried by duel between two champions, the victory should go on the one side; and yet if it be tried by the gross, it would go on the other side: for excellencies go as it were by chance, but kinds go by a more certain nature; as by discipline in war.

Lastly; many kinds have much refuse, which countervail that which they have excellent: and therefore generally metal is more precious than stone; and yet a diamond is more precious than gold.

III.

Quod ad veritatem refertur, majus est, quam quod ad opinionem. Modus autem et probatio ejus, quod ad opinionem pertinet, hæc est: quod quis, si clam putaret fore, facturus non esset.

So the Epicures say of the Stoics' felicity placed in virtue, that it is like the felicity of a player, who if he were left of his auditory and their applause, he would straight be out of heart and countenance; and therefore they call virtue bonum theatrale: but of riches the poet saith,

"Populus me sibilat; at mihi plaudo."

And of pleasure,

"Grata sub imo
Gaudia corde premens, vultu simulante pudorem."

The fallax of this colour is somewhat subtile, though the answer to the example be ready, for virtue is not chosen propter auram popularem; but contrariwise, maxime omnium teipsum reverere; so as a virtuous man will be virtuous in solitudine, and not only in theatro, though percase it will be more strong by glory and fame, as a heat which is doubled by reflexion. But that denieth the supposition, it doth not reprehend the fallax; whereof the reprehension is: Allow that virtue, such as is joined with labour and conflict, would not be chosen but for fame and opinion: yet it followeth not that the chief motive of the election should not be real and for itself: for fame may be only causa impulsiva, and not causa constituens or efficiens. As if there were two horses, and the one would do better without the spur than the other: but again, the other with the spur would far exceed the doing of the former, giving him the spur also: yet the latter will be judged to be the better horse. And the form, as to say, "Tush, the life of this horse is but in the spur," will not serve as to a wise judgment: for since the ordinary instrument of horsemanship is the spur, and that it is no matter of impediment or burden, the horse is not to be accounted the less of, which will not do well without the spur; but rather the other is to be reckoned a delicacy than a virtue. So glory and honour are the spurs of virtue; and although virtue would languish without them, yet since they be always at hand to attend virtue, virtue is not to be said the less chosen for itself, because it needeth the spur of fame and

reputation: and therefore that position, "nota ejus, quod propter opinionem et non propter veritatem eligitur, hæc est; quod quis, si clam putaret fore, facturus non esset," is reprehended.

IV.

Quod rem integram servat, bonum; quod sine receptu est, malum: nam se recipere non posse, impotentiæ genus est; potentia autem bonum.

Hereof Æsop framed the fable of the two frogs, that consulted together in the time of drought, when many plashes, that they had repaired to, were dry, what was to be done; and the one propounded to go down into a deep well, because it was like the water would not fail there; but the other answered, "Yea, but if it do fail, how shall we get up again?" And the reason is, that human actions are so uncertain and subject to perils, as that seemeth the best course which hath most passages out of it. Appertaining to this persuasion, the forms are: You shall engage yourself; on the other side, "Tantum, quantum voles, sumes ex fortunâ," &c. You shall keep the matter in your own hand.

The reprehension of it is, that proceeding and resolving in all actions is necessary. For as he saith well, Not to resolve, is to resolve; and many times it breeds as many necessities, and engageth as far in some other sorts, as to resolve. So it is but the covetous man's disease, translated in power; for the covetous man will enjoy nothing, because he will have his full store and possibility to enjoy the more; so by this reason a man should execute nothing, because he should be still indifferent, and at liberty to execute any thing. Besides, necessity and this same jacta est alea, hath many times an advantage, because it awaketh the powers of the mind, and strengtheneth endeavour; "Cæteris pares, necessitate certe superiores estis.

V.

Quod ex pluribus constat et divisibilibus est majus, quam quod ex paucioribus, et magis unum; nam omnia per partes considerata majora videntur: quare et pluralitas partium magnitudinem præ se fert: fortius autem operatur pluralitas partium si ordo absit; nam inducit similitudinem infiniti, et impedit comprehensionem.

This colour seemeth palpable; for it is not plurality of parts without majority of parts, that maketh the total greater; yet nevertheless it often carries the mind away, yea, it deceiveth the sense; as it seemeth to the eye a shorter distance of way, if it be all dead and continued, than if it have trees or buildings, or any other marks whereby the eye may divide it. So when a great monied man hath divided his chests, and coins, and bags, he seemeth to himself richer than he was; and therefore a way to amplify any thing is, to break it, and to make anatomy of it in several parts, and to examine it according to several circumstances. And this maketh the greater show if it be done without order, for confusion maketh things muster more; and besides, what is set down by order and division, doth demonstrate that nothing is left out or omitted, but all is there; whereas, if it be without order, both the mind comprehendeth less than that which is set down; and besides, it leaveth a suspicion, as if more might be said than is expressed.

This colour deceiveth, if the mind of him that is to be persuaded, do of itself over-conceive, or prejudge of the greatness of any thing; for then the breaking of it will make it seem less, because he maketh it to appear more according to the truth: and therefore if a man be in sickness or pain, the time will seem longer without a clock or hour-glass, than with it; for the mind doth value every moment, and then the hour doth rather sum up the moments, than divide the day. So in a dead plain the way seemeth the longer, because the eye hath preconceived it shorter than the truth, and the frustrating of that maketh it seem longer than the truth. Therefore if any man have an over-great opinion of any thing, then if another think by breaking it into several considerations he shall make it seem greater to him, he will be deceived; and therefore in such cases it is not safe to divide, but to extol the entire still in general. Another case wherein this colour deceiveth, is when the matter broken or divided is not comprehended by the sense or mind at once, in respect of the distracting or scattering of it; and being entire and not divided, is comprehended: as a hundred pounds in heaps of five pounds will show more than in one gross heap, so as the heaps be all upon one table to be seen at once, otherwise not: as flowers growing scattered in divers beds will show more than if they did grow in one bed, so as all those beds be within a plot, that they be objects to view at once, otherwise not: and therefore men, whose living lieth together in one shire, are commonly counted greater landed than those whose livings are dispersed, though it be more, because of the notice and comprehension. A third case wherein this colour deceiveth, and it is not so properly a case of reprehension, as it is a counter colour, being in effect as large as the colour itself; and that is, "omnis compositio indigentiæ cujusdam in singulis videtur esse particeps," because if one thing would serve the turn, it were ever best, but the defect and imperfections of things hath brought in that help to piece them up; as it is said, "Martha, Martha, attendis ad plurima, unum sufficit." So likewise hereupon Æsop framed the fable of the fox and the cat; whereas the fox bragged what a number of shifts and devices he had to get from the hounds, and the cat said he had but one, which was to climb a tree, which in proof was better worth than all the rest; whereof the proverb grew, "Multa novit vulpes, sed felis unum magnum." And in the moral of this fable it comes likewise to pass, that a good sure friend is a better help at a pinch, than all the stratagems and policies of a man's own wit. So it falleth out to be a common error in negotiating, whereas men have many reasons to induce or persuade, they strive commonly to utter and use them all at once, which weakeneth them. For it argueth, as was said, a neediness in every of the reasons by itself, as if one

did not trust to any of them, but fled from one to another, helping himself only with that: "Et quæ non prosunt singula, multa juvant." Indeed in a set speech in an assembly, it is expected a man should use all his reasons in the case he handleth, but in private persuasions it is always a great error. A fourth case wherein this colour may be reprehended, is in respect of that same "vis unita fortior," according to the tale of the French king, that when the emperor's ambassador had recited his master's style at large, which consisteth of many countries and dominions; the French king willed his chancellor, or other minister, to repeat over France as many times as the other had recited the several dominions; intending it was equivalent with them all, and more compacted and united. There is also appertaining to this colour another point, why breaking of a thing doth help it, not by way of adding a show of magnitude unto it, but a note of excellency and rarity; whereof the forms are, Where shall you find such a concurrence? Great but not complete; for it seems a less work of nature or fortune, to make any thing in his kind greater than ordinary, than to make a strange composition. Yet if it be narrowly considered, this colour will be reprehended or encountered, by imputing to all excellencies in compositions a kind of poverty, or at least a casualty or jeopardy; for from that which is excellent in greatness, somewhat may be taken, or there may be a decay, and yet sufficient left; but from that which hath his price in composition if you take away any thing, or any part do fail, all is disgrace.

VI.

Cujus privatio bona, malum; cujus privatio mala, bonum.

The forms to make it conceived, that that was evil which is changed for the better, are, He that is in hell thinks there is no other heaven. "Satis quercus," Acorns were good till bread was found, &c. And of the other side, the forms to make it conceived, that that was good which was changed for the worse, are, "Bona magis carendo quam fruendo sentimus: Bona à tergo formosissima:" Good things never appear in their full beauty, till they turn their back and be going away, &c.

The reprehension of this colour is, that the good or evil which is removed, may be esteemed good or evil comparatively, and not positively or simply. So that if the privation be good, it follows not the former condition was evil, but less good: for the flower or blossom is a positive good, although the remove of it to give place to the fruit, be a comparative good. So in the tale of Æsop, when the old fainting man in the heat of the day cast down his burden, and called for Death; and when Death came to know his will with him, said, it was for nothing but to help him up with his burden again: it doth not follow, that because death which was the privation of the burden, was ill, therefore the burden was good. And in this part, the ordinary form of malum necessarium aptly reprehendeth this colour; for "privatio mali necessarii est mala," and yet that doth not convert the nature of the necessary evil, but it is evil.

Again, it cometh sometimes to pass, that there is an equality in the change of privation, and as it were a dilemma boni, or a dilemma mali: so that the corruption of the one good, is a generation of the other. Sorti pater equus utrique est: and contrary, the remedy of the one evil is the occasion and commencement of another, as in Scylla and Charybdis.

VII.

Quod bono vicinum, bonum; quod à bono remotum, malum.

Such is the nature of things, that things contrary, and distant in nature and quality, are also severed and disjoined in place: and things like and consenting in quality, are placed, and as it were quartered together; for, partly in regard of the nature to spread, multiply, and affect in similitude; and partly in regard of the nature to break, expel, and alter that which is disagreeable and contrary, most things do either associate, and draw near to themselves the like, or at least assimilate to themselves that which approacheth near them, and do also drive away, chase and exterminate, their contraries. And that is the reason commonly yielded, why the middle region of the air should be coldest, because the sun and stars are either hot by direct beams, or by reflexion. The direct beams heat the upper region, the reflected beams from the earth and seas heat the lower region. That which is in the midst, being farthest distant in place from these two regions of heat, are most distant in nature, that is, coldest; which is that they term cold or hot per antiperistasin, that is, environing by contraries: which was pleasantly taken hold of by him that said, that an honest man, in these days, must needs be more honest than in ages heretofore, propter antiperistasin, because the shutting of him in the midst of contraries, must needs make the honesty stronger and more compact in itself.

The reprehension of this colour is: first, many things of amplitude in their kind do as it were engross to themselves all, and leave that which is next them most destitute: as the shoots or underwood that grow near a great and spread tree, is the most pined and shrubby wood of the field, because the great tree doth deprive and deceive them of sap and nourishment; so he saith well, "divitis servi maxime servi:" and the comparison was pleasant of him, that compared courtiers attendant in the courts of princes without great place or office, to fasting-days, which were next the holy-days, but otherwise were the leanest days in all the week.

Another reprehension is, that things of greatness and predominancy, though they do not extenuate the things adjoining in substance, yet they drown them and obscure them in show and appearance; and therefore the astronomers say, That whereas in all other planets conjunction is the perfectest amity; the sun contrariwise is good by aspect, but evil by conjunction.

A third reprehension is, because evil approacheth to good sometimes for concealment, sometimes for protection; and good to evil for conversion and reformation. So hypocrisy draweth near to religion for covert, and hiding itself; "sæpe latet vitium proximitate boni:" and sanctuary-men, which were commonly inordinate men and malefactors, were wont to be nearest to priests and prelates, and holy men; for the majesty of good things is such as the confines of them are reverend. On the other side, our Saviour, charged with nearness of publicans and rioters, said, "the physician approacheth the sick, rather than the whole."

VIII.

Quod quis culpâ suâ contraxit, majus malum: quod ab externis imponitur, minus malum.

The reason is, because the sting and remorse of the mind accusing itself doubleth all adversity: contrariwise, the considering and recording inwardly, that a man is clear and free from fault and just imputation, doth attemper outward calamities. For if the evil be in the sense, and in the conscience both, there is a gemination of it; but if evil be in the one, and comfort in the other, it is a kind of compensation: so the poets in tragedies do make the most passionate lamentations, and those that forerun final despair, to be accusing, questioning, and torturing of a man's life.

"Seque unum clamat causamque caputque malorum."

And contrariwise, the extremities of worthy persons have been annihilated in the consideration of their own good deserving. Besides, when the evil cometh from without, there is left a kind of evaporation of grief, if it come by human injury, either by indignation, and meditating of revenge from ourselves, or by expecting or fore-conceiving that Nemesis and retribution will take hold of the authors of our hurt: or if it be by fortune or accident, yet there is left a kind of expostulation against the divine powers;

"Atque deos atque astra vocat crudelia mater."

But where the evil is derived from a man's own fault, there all strikes deadly inwards, and suffocateth.

The reprehension of this colour is, first in respect of hope, for reformation of our faults is in nostrâ potestate; but amendment of our fortune simply is not. Therefore, Demosthenes, in many of his orations, saith thus to the people of Athens: "That which having regard to the time past is the worst point and circumstance of all the rest; that as to the time to come is the best: what is that? Even this, that by your sloth, irresolution, and misgovernment, your affairs are grown to this declination and decay. For had you used and ordered your means and forces to the best, and done your parts every way to the full, and, notwithstanding, your matters should have gone backward in this manner as they do, there had been no hope left of recovery or reparation; but since it hath been only by your own errors," &c. So Epictetus in his degrees saith, The worst state of man is to accuse external things, better than that to accuse a man's self, and best of all to accuse neither.

Another reprehension of this colour is, in respect of the well bearing of evils wherewith a man can charge nobody but himself, which maketh them the less.

"Leve fit quod bene fertur onus."

And therefore many natures that are either extremely proud, and will take no fault to themselves, or else very true and cleaving to themselves, when they see the blame of any thing that falls out ill must light upon themselves, have no other shift but to bear it out well, and to make the least of it; for as we see when sometimes a fault is committed, and before it be known who is to blame, much ado is made of it; but after, if it appear to be done by a son, or by a wife, or by a near friend, then it is light made of: so much more when a man must take it upon himself. And therefore it is commonly seen, that women that marry husbands of their own choosing against their friends' consents, if they be never so ill used, yet you seldom see them complain, but set a good face on it.

IX.

Quod operâ et virtute nostrâ partum est, majus bonum; quod ab alieno beneficio vel ab indulgentiâ fortunæ delatum est, minus bonum.

The reasons are, first, the future hope, because in the favours of others, or the good winds of fortune, we have no state or certainty; in our endeavours or abilities we have. So as when they have purchased us one good fortune, we have them as ready, and better edged, and inured to procure another.

The forms be: You have won this by play, You have not only the water, but you have the receipt, you can make it again if it be lost, &c.

Next, because these properties which we enjoy by the benefit of others, carry with them an obligation, which seemeth a kind of burden; whereas the others, which derive from themselves, are like the freest patents, "absque aliquo inde reddendo;" and if they proceed from fortune or providence, yet they seem to touch us secretly with the reverence of the divine powers, whose favours we taste, and therefore work a kind of religious fear and restraint: whereas in the other kind, that comes to pass which the prophet speaketh, "lætantur et exultant, immolant plagis suis, et sacrificant reti suo."

Thirdly, because that which cometh unto us without our own virtue, yieldeth not that commendation and reputation; for actions of great felicity may draw wonder, but praise less; as Cicero said to Cæsar, "Quæ miremur, habemus; quæ laudemus, expectamus."

Fourthly, because the purchases of our own industry are joined commonly with labour and strife, which gives an edge and appetite, and makes the fruition of our desires more pleasant. Suavis cibus à venatu.

On the other side, there be four counter colours to this colour, rather than reprehensions, because they be as large as the colour itself. First, because

felicity seemeth to be a character of the favour and love of the divine powers, and accordingly worketh both confidence in ourselves, and respect and authority from others. And this felicity extendeth to many casual things, whereunto the care or virtue of man cannot extend, and therefore seemeth to be a larger good; as when Cæsar said to the sailor, "Cæsarem portas et fortunam ejus," if he had said, "et virtutem ejus," it had been small comfort against a tempest, otherwise than if it might seem upon merit to induce fortune.

Next, whatsoever is done by virtue and industry, seems to be done by a kind of habit and art, and therefore open to be imitated and followed; whereas felicity is inimitable: so we generally see, that things of nature seem more excellent than things of art, because they be inimitable: for "quod imitabile est, potentiâ quâdam vulgatum est."

Thirdly, felicity commendeth those things which come without our own labour; for they seem gifts, and the other seem pennyworths: whereupon Plutarch saith elegantly of the acts of Timoleon, who was so fortunate, compared with the acts of Agesilaus and Epaminondas; that they were like Homer's verses, they ran so easily and so well. And therefore it is the word we give unto poesy, terming it a happy vein, because facility seemeth ever to come from happiness.

Fourthly, this same præter spem, vel præter expectatum, doth increase the price and pleasure of many things: and this cannot be incident to those things that proceed from our own care and compass.

X.

Gradus privationis major videtur, quam gradus diminutionis; et rursus gradus inceptionis major videtur, quam gradus incrementi.

It is a position in the mathematics, that there is no proportion between somewhat and nothing, therefore the degree of nullity and quiddity or act, seemeth larger than the degrees of increase and decrease; as to a monoculus it is more to lose one eye than to a man that hath two eyes. So if one have lost divers children, it is more grief to him to lose the last, than all the rest; because he is spes gregis. And therefore Sibylla, when she brought her three books, and had burned two, did double the whole price of both the other, because the burning of that had been gradus privationis, and not diminutionis.

This colour is reprehended first in those things, the use and service whereof resteth in sufficiency, competency, or determinate quantity: as if a man be to pay one hundred pounds upon a penalty, it is more to him to want twelve pence, than after that twelve pence supposed to be wanting to want ten shillings more; so the decay of a man's estate seems to be most touched in the degree, when he first proves behind, more than afterwards, when he proves nothing worth. And hereof the common forms are, "Sera in fundo parsimonia," and, As good never a whit, as never the better, &c. It is reprehended also in respect of that notion, "Corruptio unius, generatio alterius:" so that gradus privationis is many times less matter, because it gives the cause and motive to some new course. As when Demosthenes reprehended the people for hearkening to the conditions offered by king Philip, being not honourable nor equal, he saith they were but aliments of their sloth and weakness, which if they were taken away, necessity would teach them stronger resolutions. So Doctor Hector was wont to say to the dames of London, when they complained they were they could not tell how, but yet they could not endure to take any medicine; he would tell them, their way was only to be sick, for then they would be glad to take any medicine.

Thirdly, this colour may be reprehended, in respect that the degree of decrease is more sensitive than the degree of privation; for in the mind of man gradus diminutionis may work a wavering between hope and fear, and so keep the mind in suspense, from settling and accommodating in patience and resolution. Hereof the common forms are, Better eye out than always ache; Make or mar, &c.

For the second branch of this colour, it depends upon the same general reason: hence grew the common place of extolling the beginning of every thing: "dimidium facti qui bene cœpit habet." This made the astrologers so idle as to judge of a man's nature and destiny, by the constellation of the moment of his nativity or conception. This colour is reprehended, because many inceptions are but, as Epicurus termeth them, tentamenta, that is, imperfect offers and essays, which vanish and come to no substance without an iteration; so as in such cases the second degree seems the worthiest, as the body-horse in the cart, that draweth more than the fore-horse. Hereof the common forms are, The second blow makes the fray, the second word makes the bargain; "Alter malo principium dedit, alter modum abstulit," etc. Another reprehension of this colour is in respect of defatigation, which makes perseverance of greater dignity than inception: for chance or instinct of nature may cause inception; but settled affection, or judgment, maketh the continuance.

Thirdly, This colour is reprehended in such things, which have a natural course and inclination contrary to an inception. So that the inception is continually evacuated and gets no start; but there behoveth "perpetua inceptio;" as in the common form, "Non progredi est regredi, Qui non proficit deficit:" running against the hill; rowing against the stream, &c. For if it be with the stream or with the hill, then the degree of inception is more than all the rest.

Fourthly, This colour is to be understood of "gradus inceptionis a potentiâ ad actum, comparatus cum gradu ab actu ad incrementum." For otherwise "major videtur gradus ab impotentiâ ad potentiam, quam à potentiâ ad actum."

ESSAYS OR COUNSELS

CIVIL AND MORAL.

TO MR. ANTHONY BACON, HIS DEAR BROTHER.

LOVING AND BELOVED BROTHER,

I do now like some that have an orchard ill neighboured, that gather their fruit before it is ripe, to prevent stealing. These fragments of my conceits were going to print; to labour the stay of them had been troublesome, and subject to interpretation; to let them pass had been to adventure the wrong they might receive by untrue copies, or by some garnishment which it might please any that should set them forth to bestow upon them. Therefore I held it best discretion to publish them myself, as they passed long ago from my pen, without any farther disgrace than the weakness of the author. And as I did ever hold, there might be as great a vanity in retiring and withdrawing men's conceits, except they be of some nature, from the world, as in obtruding them; so in these particulars I have played myself the inquisitor, and find nothing to my understanding in them contrary or infectious to the state of religion or manners, but rather, as I suppose, medicinable. Only I disliked now to put them out, because they will be like the late new half-pence, which though the silver were good, yet the pieces were small. But since they would not stay with their master, but would needs travel abroad, I have preferred them to you that are next myself; dedicating them, such as they are, to our love, in the depth whereof, I assure you, I sometimes wish your infirmities translated upon myself, that her majesty might have the service of so active and able a mind; and I might be with excuse confined to these contemplations and studies, for which I am fittest: so commend I you to the preservation of the divine Majesty.

Your entire loving Brother,

FRAN. BACON.

From my chamber at Gray's-Inn, this 30th of January, 1597.

TO MY LOVING BROTHER, SIR JOHN CONSTABLE, KNIGHT.

My last Essays I dedicated to my dear brother, Mr. Anthony Bacon, who is with God. Looking amongst my papers this vacation, I found others of the same nature: which if I myself shall not suffer to be lost, it seemeth the world will not, by the often printing of the former. Missing my brother, I found you next; in respect of bond both of near alliance, and of strait friendship and society, and particularly of communication in studies: wherein I must acknowledge myself beholden to you. For as my business found rest in my contemplations, so my contemplations ever found rest in your loving conference and judgment. So wishing you all good, I remain

1612.

Your loving brother and friend,

FRAN. BACON.

TO THE RIGHT HONOURABLE MY VERY GOOD LORD THE DUKE OF BUCKINGHAM, HIS GRACE, LORD HIGH ADMIRAL OF ENGLAND.

EXCELLENT LORD,

Solomon says, "A good name is as a precious ointment;" and I assure myself such will your Grace's name be with posterity. For your fortune and merit both have been eminent: and you have planted things that are like to last. I do now publish my Essays; which of all my other works have been most current: for that, as it seems, they come home to men's business and bosoms. I have enlarged them both in number and weight; so that they are indeed a new work. I thought it therefore agreeable to my affection and obligation to your Gracé, to prefix your name before them both in English and in Latin: for I do conceive, that the Latin volume of them, being in the universal language, may last as long as books last. My Instauration I dedicated to the king: my History of Henry the Seventh, which I have now also translated into Latin, and my portions of Natural History, to the prince: and these I dedicate to your Grace; being of the best fruits, that by the good increase which God gives to my pen and labours I could yield. God lead your Grace by the hand.

1625. Your Grace's most obliged and faithful servant,

FRAN. ST. ALBAN.

I. OF TRUTH.

What is truth? said jesting Pilate; and would not stay for an answer. Certainly there be that delight in giddiness; and count it a bondage to fix a belief; affecting free-will in thinking, as well as in acting. And though the sects of philosophers of that kind be gone, yet there remain certain discoursing wits, which are of the same veins, though there be not so much blood in them as was in those of the ancients. But it is not only the difficulty and labour which men take in finding out of truth; nor again, that when it is found, it imposeth upon men's thoughts; that doth bring lies in favour: but a natural though corrupt love of the lie itself. One of the later schools of the Grecians examineth the matter, and is at a stand to think what should be in it, that men should love lies; where neither they make for pleasure, as with poets; nor for advantage, as with the merchant; but for the lie's sake. But I cannot tell: this same truth is a naked and open day-light, that doth not show the masks, and mummeries, and triumphs of the world, half so stately and daintily as candle-lights. Truth may perhaps come to the price of a pearl, that showeth best by day; but it will not rise to the price of a diamond or carbuncle, that showeth best in varied lights. A mixture of a lie doth ever add pleasure. Doth any man doubt, that if there were taken out of men's minds vain opinions, flattering hopes, false valuations, imaginations as one would, and the like; but it would leave the minds of a number of men poor shrunken things; full of melancholy and indisposition, and unpleasing to themselves? One of the fathers, in great severity, called poesy, vinum dæmonum; because it filleth the imagination, and yet it is but with the shadow of a lie. But it is not the lie that passeth through the mind, but the lie that sinketh in, and settleth in it, that doth the hurt, such as we spake of before. But howsoever these things are thus in men's depraved judgments and affections, yet truth, which only doth judge itself, teacheth, that the inquiry of truth, which is the love-making, or wooing of it; the knowledge of truth, which is the presence of it; and the belief of truth, which is the enjoying of it; is the sovereign good of human nature. The first creature of God, in the works of the days, was the light of the sense; the last was the light of reason; and his sabbath work ever since is the illumination of his Spirit. First he breathed light upon the face of the matter or chaos; then he breathed light into the face of man; and still he breatheth and inspireth light into the face of his chosen. The poet that beautified the sect, that was otherwise inferior to the rest, saith yet excellently well: "It is a pleasure to stand upon the shore, and to see ships tossed upon the sea: a pleasure to stand in the window of a castle, and to see a battle, and the adventures thereof below: but no pleasure is comparable to the standing upon the vantage ground of truth, a hill not to be commanded, and where the air is always clear and serene; and to see the errors, and wanderings, and mists, and tempests, in the vale below:" so always, that this prospect be with pity, and not with swelling or pride. Certainly it is heaven upon earth, to have a man's mind move in charity, rest in providence, and turn upon the poles of truth.

To pass from theological and philosophical truth, to the truth of civil business; it will be acknowledged, even by those that practise it not, that clear and round dealing is the honour of man's nature; and that mixture of falsehood is like allay in coin of gold and silver; which may make the metal work the better, but it embaseth it. For these winding and crooked courses are the goings of the serpent; which goeth basely upon the belly, and not upon the feet. There is no vice that doth so cover a man with shame, as to be found false and perfidious. And therefore Montagne saith prettily, when he inquired the reason, why the word of the lie should be such

a disgrace, and such an odious charge? Saith he, "If it be well weighed, to say that a man lieth, is as much as to say, that he is brave towards God, and a coward towards men. For a lie faces God, and shrinks from man." Surely the wickedness of falsehood, and breach of faith, cannot possibly be so highly expressed, as in that it shall be the last peal to call the judgments of God upon the generations of men: it being foretold, that when Christ cometh "he shall not find faith upon the earth."

II. OF DEATH.

Men fear death, as children fear to go in the dark: and as that natural fear in children is increased with tales, so is the other. Certainly, the contemplation of death, as the wages of sin, and passage to another world, is holy and religious; but the fear of it, as a tribute due unto nature, is weak. Yet in religious meditations, there is sometimes mixture of vanity and of superstition. You shall read in some of the friars' books of mortification, that a man should think with himself, what the pain is, if he have but his finger's end pressed or tortured; and thereby imagine what the pains of death are, when the whole body is corrupted and dissolved; when many times death passeth with less pain than the torture of a limb: for the most vital parts are not the quickest of sense. And by him that spake only as a philosopher, and natural man, it was well said, "Pompa mortis magis terret, quam mors ipsa." Groans, and convulsions, and a discoloured face, and friends weeping, and blacks, and obsequies, and the like, show death terrible. It is worthy the observing, that there is no passion in the mind of man so weak, but it mates and masters the fear of death: and therefore death is no such terrible enemy, when a man hath so many attendants about him, that can win the combat of him. Revenge triumphs over death; love slights it; honour aspireth to it; grief flieth to it; fear pre-occupateth it; nay, we read, after Otho the emperor had slain himself, pity, which is the tenderest of affections, provoked many to die, out of mere compassion to their sovereign, and as the truest sort of followers. Nay, Seneca adds, niceness and satiety; "cogita quamdiu eadem feceris; mori velle, non tantum fortis, aut miser, sed etiam fastidiosus potest." A man would die, though he were neither valiant nor miserable, only upon a weariness to do the same thing so oft over and over. It is no less worthy to observe, how little alteration in good spirits the approaches of death make; for they appear to be the same men till the last instant. Augustus Cæsar died in a compliment; "Livia, conjugii nostri memor vive, et vale." Tiberius in dissimulation, as Tacitus saith of him; "Jam Tiberium vires et corpus, non dissimulatio, deserebant." Vespasian in a jest, sitting upon the stool; "Ut puto, deus fio." Galba with a sentence; "Feri, si ex re sit populi Romani;" holding forth his neck. Septimius Severus in despatch; "Adeste, si quid mihi restat agendum:" and the like. Certainly the Stoics bestowed too much cost upon death, and by their great preparations made it appear more fearful. Better saith he, "qui finem vitæ extremum inter munera ponit naturæ." It is as natural to die, as to be born; and to a little infant, perhaps, the one is as painful as the other. He that dies in an earnest pursuit, is like one that is wounded in hot blood; who, for the time, scarce feels the hurt; and therefore a mind fixt and bent upon somewhat that is good, doth avert the dolours of death: but above all, believe it, the sweetest canticle is, "Nunc dimittis;" when a man hath obtained worthy ends and expectations. Death hath this also; that it openeth the gate to good fame, and extinguisheth envy.—"Extinctus amabitur idem."

III. OF UNITY IN RELIGION.

Religion being the chief band of human society, it is a happy thing, when itself is well contained within the true band of unity. The quarrels and divisions about religion were evils unknown to the heathen. The reason was, because the religion of the heathen consisted rather in rites and ceremonies, than in any constant belief. For you may imagine what kind of faith theirs was, when the chief doctors and fathers of their church were the poets. But the true God hath this attribute, that he is a jealous God; and therefore his worship and religion will endure no mixture nor partner. We shall therefore speak a few words concerning the unity of the church: what are the fruits thereof; what the bounds; and what the means.

The fruits of unity, next unto the well-pleasing of God, which is all in all, are two; the one towards those that are without the church; the other towards those that are within. For the former; it is certain, that heresies and schisms are of all others the greatest scandals; yea more than corruption of manners. For as in the natural body, a wound, or solution of continuity, is worse than a corrupt humour; so in the spiritual. So that nothing doth so much keep men out of the church, and drive men out of the church, as breach of unity: and therefore, whensoever it cometh to that pass, that one saith, "ecce in deserto;" another saith, "ecce in penetralibus;" that is, when some men seek Christ in the conventicles of heretics, and others in an outward face of a church, that voice had need continually to sound in men's ears, "nolite exire," go not out. The doctor of the gentiles, the propriety of whose vocation drew him to have a special care of those without, saith; "If a heathen come in, and hear you speak with several tongues, will he not say that you are mad?" And certainly it is little better, when atheists, and profane persons, do hear of so many discordant and contrary opinions in religion; it doth avert them from the church, and maketh them "to sit down in the chair of the scorners." It is but a light thing to be vouched in so serious a matter, but yet it expresseth well the deformity: there is a master of scoffing; that in his catalogue of books of a feigned library sets down this title of a book; "The Morris-dance of Heretiques." For indeed every sect of them hath a

diverse posture or cringe by themselves, which cannot but move derision in worldlings and depraved politics, who are apt to contemn holy things.

As for the fruit towards those that are within, it is peace; which containeth infinite blessings: it establisheth faith; it kindleth charity; the outward peace of the church distilleth into peace of conscience; and it turneth the labours of writing and reading of controversies into treatises of mortification and devotion.

Concerning the bounds of unity; the true placing of them importeth exceedingly. There appear to be two extremes. For to certain zealots all speech of pacification is odious. "Is it peace, Jehu? What hast thou to do with peace? turn thee behind me." Peace is not the matter, but following the party. Contrariwise, certain Laodiceans, and lukewarm persons, think they may accommodate points of religion by middle ways, and taking part of both, and witty reconcilements; as if they would make an arbitrement between God and man. Both these extremes are to be avoided; which will be done, if the league of christians, penned by our Saviour himself, were, in the two cross clauses thereof, soundly and plainly expounded: "he that is not with us is against us:" and again, "he that is not against us is with us:" that is, if the points fundamental, and of substance, in religion, were truly discerned and distinguished from points not merely of faith, but of opinion, order, or good intention. This is a thing may seem to many a matter trivial, and done already; but if it were done less partially, it would be embraced more generally.

Of this I may give only this advice, according to my small model. Men ought to take heed of rending God's church by two kinds of controversies. The one is, when the matter of the point controverted is too small and light, not worth the heat and strife about it, kindled only by contradiction. For as it is noted by one of the fathers, Christ's coat indeed had no seam; but the church's vesture was of divers colours: whereupon he saith, "in veste varietas sit, scissura non sit;" they be two things, unity, and uniformity. The other is, when the matter of the point controverted is great; but it is driven to an over-great subtilty and obscurity; so that it becometh a thing rather ingenious than substantial. A man that is of judgment and understanding, shall sometimes hear ignorant men differ, and know well within himself, that those which so differ mean one thing, and yet they themselves would never agree. And if it come so to pass in that distance of judgment which is between man and man, shall we not think that God above, that knows the heart, doth not discern that frail men, in some of their contradictions, intend the same thing, and accepteth of both? The nature of such controversies is excellently expressed by St. Paul, in the warning and precept that he giveth concerning the same; "devita profanas vocum novitates, et oppositiones falsi nominis scientiæ." Men create oppositions which are not; and put them into new terms so fixed, as whereas the meaning ought to govern the term, the term in effect governeth the meaning. There be also two false peaces or unities; the one, when the peace is grounded but upon an implicit ignorance; for all colours will agree in the dark: the other, when it is pieced up upon a direct admission of contraries in fundamental points. For truth and falsehood, in such things, are like the iron and clay in the toes of Nebuchadnezzar's image; they may cleave, but they will not incorporate.

Concerning the means of procuring unity; men must beware, that in the procuring or muniting of religious unity, they do not dissolve and deface the laws of charity, and of human society. There be two swords amongst christians, the spiritual and temporal; and both have their due office and place in the maintenance of religion. But we may not take up the third sword, which is Mahomet's sword, or like unto it; that is, to propagate religion by wars, or by sanguinary persecutions to force consciences; except it be in cases of overt scandal, blasphemy, or intermixture of practice against the state; much less to nourish seditions; to authorize conspiracies and rebellions; to put the sword into the people's hands, and the like, tending to the subversion of all government, which is the ordinance of God. For this is but to dash the first table against the second; and so to consider men as christians, as we forget that they are men. Lucretius the poet, when he beheld the act of Agamemnon, that could endure the sacrificing of his own daughter, exclaimed;

"Tantum religio potuit suadere malorum."

What would he have said, if he had known of the massacre in France, or the powder-treason of England? He would have been seven times more epicure and atheist than he was: for as the temporal sword is to be drawn with great circumspection, in cases of religion; so it is a thing monstrous to put it into the hands of the common people. Let that be left unto the anabaptists, and other furies. It was great blasphemy, when the devil said, "I will ascend, and be like the Highest;" but it is greater blasphemy to personate God, and bring him in saying, "I will descend, and be like the prince of darkness." And what is it better to make the cause of religion to descend to the cruel and execrable actions of murthering princes, butchery of people, and subversion of states and governments? Surely, this is to bring down the Holy Ghost, instead of the likeness of a dove, in the shape of a vulture or raven; and to set, out of the bark of a christian church, a flag of a bark of pirates and assassins. Therefore it is most necessary, that the church by doctrine and decree; princes by their sword; and all learnings, both christian and moral, as by their mercury rod; do damn and send to hell for ever those facts and opinions, tending to the support of the same; as hath been already in good part done. Surely in counsels concerning religion, that counsel of the apostle would be prefixed; "Ira hominis non implet justitiam Dei." And it was a notable observation of a wise father, and no less ingenuously confessed; That those which held and persuaded pressure of consciences, were commonly interested therein themselves for their own ends.

IV. REVENGE.

Revenge is a kind of wild justice, which the more man's nature runs to, the more ought law to weed it out. For as for the first wrong, it doth but offend the law; but the revenge of that wrong putteth the law out of office. Certainly in taking revenge, a man is but even with his enemy; but in passing it over, he is superior: for it is a prince's part to pardon. And Solomon, I am sure, saith, "It is the glory of a man to pass by an offence." That which is past is gone and irrevocable, and wise men have enough to do with things present and to come: therefore they do but trifle with themselves that labour in past matters. There is no man doth a wrong for the wrong's sake; but thereby to purchase himself profit, or pleasure, or honour, or the like. Therefore why should I be angry with a man for loving himself better than me? And if any man should do wrong, merely out of ill-nature, why? yet it is but like the thorn or brier, which prick or scratch, because they can do no other. The most tolerable sort of revenge is for those wrongs which there is no law to remedy: but then let a man take heed the revenge be such as there is no law to punish; else a man's enemy is still beforehand, and it is two for one. Some, when they take revenge, are desirous the party should know whence it cometh: this is the more generous; for the delight seemeth to be not so much in doing the hurt, as in making the party repent: but base and crafty cowards are like the arrow that flieth in the dark. Cosmus, duke of Florence, had a desperate saying against perfidious or neglecting friends, as if those wrongs were unpardonable. "You shall read," saith he, "that we are commanded to forgive our enemies; but you never read, that we are commanded to forgive our friends." But yet the spirit of Job was in a better tune; "Shall we," saith he, "take good at God's hands, and not be content to take evil also?" And so of friends in a proportion. This is certain, that a man that studieth revenge, keeps his own wounds green, which otherwise would heal, and do well. Public revenges are for the most part fortunate: as that for the death of Cæsar; for the death of Pertinax; for the death of Henry the Third of France; and many more: but in private revenges it is not so; nay rather, vindictive persons live the life of witches; who as they are mischievous, so end they unfortunate.

V. OF ADVERSITY.

It was an high speech of Seneca, after the manner of the Stoics, that the good things which belong to prosperity are to be wished, but the good things that belong to adversity are to be admired: "Bona rerum secundarum optabilia, adversarum mirabilia." Certainly, if miracles be the command over nature, they appear most in adversity. It is yet a higher speech of his than the other, much too high for a heathen, It is true greatness to have in one the frailty of a man, and the security of a God: "Vere magnum, habere fragilitatem hominis, securitatem Dei." This would have done better in poesy, where transcendencies are more allowed. And the poets indeed have been busy with it; for it is in effect the thing which is figured in that strange fiction of the ancient poets, which seemeth not to be without mystery; nay, and to have some approach to the state of a christian: that Hercules, when he went to unbind Prometheus, by whom human nature is represented, sailed the length of the great ocean in an earthen pot or pitcher; lively describing christian resolution, that saileth in the frail bark of the flesh through the waves of the world. But to speak in a mean: the virtue of prosperity is temperance; the virtue of adversity is fortitude; which in morals is the more heroical virtue. Prosperity is the blessing of the Old Testament; adversity is the blessing of the New, which carrieth the greater benediction, and the clearer revelation of God's favour. Yet, even in the Old Testament, if you listen to David's harp, you shall hear as many hearse-like airs as carols: and the pencil of the Holy Ghost hath laboured more in describing the afflictions of Job than the felicities of Solomon. Prosperity is not without many fears and distastes; and adversity is not without comforts and hopes. We see in needleworks and embroideries, it is more pleasing to have a lively work upon a sad and solemn ground, than to have a dark and melancholy work upon a lightsome ground: judge therefore of the pleasure of the heart by the pleasure of the eye. Certainly virtue is like precious odours, most fragrant when they are incensed or crushed: for prosperity doth best discover vice, but adversity doth best discover virtue.

VI. OF SIMULATION AND DISSIMULATION.

Dissimulation is but a faint kind of policy, or wisdom; for it asketh a strong wit, and a strong heart, to know when to tell truth, and to do it. Therefore it is the weaker sort of politicians that are the great dissemblers.

Tacitus saith, Livia sorted well with the arts of her husband, and dissimulation of her son; attributing arts or policy to Augustus, and dissimulation to Tiberius. And again, when Mucianus encourageth Vespasian to take arms against Vitellius, he saith; We rise not against the piercing judgment of Augustus, nor the extreme caution or closeness of Tiberius. These properties of arts or policy, and dissimulation or closeness, are indeed habits and faculties several and to be distinguished. For if a man have that penetration of judgment as he can discern what things are to be laid open, and what to be secreted, and what to be showed at half-lights, and to whom and when, which indeed are arts of state, and arts of life, as Tacitus well calleth them, to him a habit of dissimulation is a hinderance and a poorness. But if a man cannot obtain to that judgment, then it is left to him, generally, to be close and a dissembler. For where a man cannot choose, or vary in particulars, there it is good to take the safest and wariest way in general; like the going softly by one that cannot well see. Certainly the ablest men that

ever were, have had all an openness and frankness of dealing, and a name of certainty and veracity; but then they were like horses well managed; for they could tell passing well when to stop or turn: and at such times, when they thought the case indeed required dissimulation, if then they used it, it came to pass, that the former opinion spread abroad of their good faith and clearness of dealing made them almost invisible.

There be three degrees of this hiding and veiling of a man's self. The first, closeness, reservation, and secrecy, when a man leaveth himself without observation, or without hold to be taken, what he is. The second, dissimulation in the negative, when a man lets fall signs and arguments, that he is not that he is. And the third, simulation in the affirmative, when a man industriously and expressly feigns and pretends to be that he is not.

For the first of these, secrecy; it is indeed the virtue of a confessor; and assuredly the secret man heareth many confessions; for who will open himself to a blab or a babbler? but if a man be thought secret, it inviteth discovery; as the more close air sucketh in the more open: and as in confession the revealing is not for worldly use, but for the ease of a man's heart; so secret men come to knowledge of many things in that kind; while men rather discharge their minds, than impart their minds. In few words, mysteries are due to secrecy. Besides, to say truth, nakedness is uncomely as well in mind as body; and it addeth no small reverence to men's manners and actions if they be not altogether open. As for talkers and futile persons, they are commonly vain and credulous withal. For he that talketh what he knoweth, will also talk what he knoweth not. Therefore set it down, that a habit of secrecy is both politic and moral. And in this part it is good that a man's face give his tongue leave to speak. For the discovery of a man's self by the tracts of his countenance is a great weakness and betraying; by how much it is many times more marked and believed than a man's words.

For the second, which is dissimulation; it followeth many times upon secrecy, by a necessity: so that he that will be secret must be a dissembler in some degree. For men are too cunning to suffer a man to keep an indifferent carriage between both, and to be secret, without swaying the balance on either side. They will so beset a man with questions, and draw him on, and pick it out of him, that, without an absurd silence, he must show an inclination one way; or if he do not, they will gather as much by his silence as by his speech. As for equivocations, or oraculous speeches, they cannot hold out long. So that no man can be secret, except he give himself a little scope of dissimulation, which is as it were but the skirts or train of secrecy.

But for the third degree, which is simulation and false profession; that I hold more culpable and less politic, except it be in great and rare matters. And therefore a general custom of simulation, which is this last degree, is a vice rising either of a natural falseness, or fearfulness, or of a mind that hath some main faults; which because a man must needs disguise, it maketh him practise simulation in other things lest his hand should be out of ure.

The great advantages of simulation and dissimulation are three. First, to lay asleep opposition, and to surprise. For where a man's intentions are published, it is an alarm to call up all that are against them. The second is, to reserve to a man's self a fair retreat: for if a man engage himself by a manifest declaration, he must go through, or take a fall. The third is, the better to discover the mind of another. For to him that opens himself, men will hardly show themselves adverse; but will fain let him go on, and turn their freedom of speech to freedom of thought. And therefore it is a good shrewd proverb of the Spaniard, Tell a lie and find a truth; as if there were no way of discovery but by simulation. There be also three disadvantages to set it even. The first, that simulation and dissimulation commonly carry with them a show of fearfulness, which in any business doth spoil the feathers of round flying up to the mark. The second, that it puzzleth and perplexeth the conceits of many, that perhaps would otherwise co-operate with him; and makes a man walk almost alone to his own ends. The third and greatest is, that it depriveth a man of one of the most principal instruments for action; which is trust and belief. The best composition and temperature is, to have openness in fame and opinion; secrecy in habit; dissimulation in seasonable use; and a power to feign, if there be no remedy.

VII. OF PARENTS AND CHILDREN.

The joys of parents are secret; and so are their griefs and fears: they cannot utter the one, nor they will not utter the other. Children sweeten labours; but they make misfortunes more bitter; they increase the cares of life, but they mitigate the remembrance of death. The perpetuity by generation is common to beasts; but memory, merit, and noble works, are proper to men: and surely a man shall see the noblest works and foundations have proceeded from childless men; which have sought to express the images of their minds, where those of their bodies have failed: so the care of posterity is most in them that have no posterity. They that are the first raisers of their houses, are most indulgent towards their children; beholding them as the continuance, not only of their kind, but of their work; and so both children and creatures.

The difference in affection of parents towards their several children is many times unequal; and sometimes unworthy; especially in the mother; as Solomon saith, "A wise son rejoiceth the father, but an ungracious son shames the mother." A man shall see, where there is a house full of children, one or two of the eldest respected, and the youngest made wantons; but in the midst, some that are as it were forgotten, who many times nevertheless prove the best. The illiberality of parents in allowance towards their children, is a harmful error; makes them base; acquaints them with shifts; makes them sort with mean company; and makes them

surfeit more when they come to plenty: and therefore the proof is best when men keep their authority towards their children, but not their purse. Men have a foolish manner, both parents, and schoolmasters, and servants, in creating and breeding an emulation between brothers, during childhood, which many times sorteth to discord when they are men, and disturbeth families. The Italians make little difference between children and nephews, or near kinsfolks; but so they be of the lump they care not, though they pass not through their own body. And, to say truth, in nature it is much a like matter; insomuch that we see a nephew sometimes resembleth an uncle, or a kinsman, more than his own parent; as the blood happens. Let parents choose betimes the vocations and courses they mean their children should take; for then they are most flexible; and let them not too much apply themselves to the disposition of their children, as thinking they will take best to that which they have most mind to. It is true, that if the affection or aptness of the children be extraordinary, then it is good not to cross it; but generally the precept is good, "Optimum elige, suave et facile illud faciet consuetudo." Younger brothers are commonly fortunate, but seldom or never where the elder are disinherited.

VIII. OF MARRIAGE AND SINGLE LIFE.

He that hath wife and children, hath given hostages to fortune; for they are impediments to great enterprises, either of virtue or mischief. Certainly the best works and of greatest merit for the public, have proceeded from the unmarried or childless men; which, both in affection and means, have married and endowed the public. Yet it were great reason, that those that have children should have greatest care of future times; unto which they know they must transmit their dearest pledges. Some there are, who though they lead a single life, yet their thoughts do end with themselves, and account future times impertinences. Nay, there are some other, that account wife and children but as bills of charges. Nay more, there are some foolish rich covetous men, that take a pride in having no children, because they may be thought so much the richer. For perhaps they have heard some talk, Such a one is a great rich man; and another except to it, Yea, but he hath a great charge of children: as if it were an abatement to his riches. But the most ordinary cause of a single life is liberty; especially in certain self-pleasing and humorous minds, which are so sensible of every restraint, as they will go near to think their girdles and garters to be bonds and shackles. Unmarried men are best friends, best masters, best servants, but not always best subjects; for they are light to run away; and almost all fugitives are of that condition. A single life doth well with churchmen: for charity will hardly water the ground, where it must first fill a pool. It is indifferent for judges and magistrates: for if they be facile and corrupt, you shall have a servant five times worse than a wife. For soldiers, I find the generals commonly, in their hortatives, put men in mind of their wives and children. And I think the despising of marriage amongst the Turks, maketh the vulgar soldiers more base. Certainly, wife and children are a kind of discipline of humanity; and single men, though they be many times more charitable, because their means are less exhaust; yet, on the other side, they are more cruel and hard-hearted, good to make severe inquisitors, because their tenderness is not so oft called upon. Grave natures, led by custom, and therefore constant, are commonly loving husbands; as was said of Ulysses, "vetulam suam prætulit immortalitati." Chaste women are often proud and froward, as presuming upon the merit of their chastity. It is one of the best bonds, both of chastity and obedience, in the wife, if she think her husband wise; which she will never do if she find him jealous. Wives are young men's mistresses; companions for middle age; and old men's nurses. So as a man may have a quarrel to marry when he will. But yet he was reputed one of the wise men, that made answer to the question, when a man should marry? "A young man not yet, an elder man not at all." It is often seen, that bad husbands have very good wives; whether it be, that it raiseth the price of their husband's kindness when it comes; or that the wives take a pride in their patience. But this never fails if the bad husbands were of their own choosing, against their friends' consent; for then they will be sure to make good their own folly.

IX. OF ENVY.

There be none of the affections which have been noted to fascinate or bewitch, but love and envy. They both have vehement wishes; they frame themselves readily into imaginations and suggestions: and they come easily into the eye; especially upon the presence of the objects; which are the points that conduce to fascination, if any such thing there be. We see likewise, the Scripture calleth envy an evil eye: and the astrologers call the evil influences of the stars, evil aspects; so that still there seemeth to be acknowledged in the act of envy, an ejaculation, or irradiation of the eye. Nay, some have been so curious, as to note, that the times when the stroke or percussion of an envious eye doth most hurt, are, when the party envied is beheld in glory or triumph; for that sets an edge upon envy: and, besides, at such times, the spirits of the person envied do come forth most into the outward parts, and so meet the blow.

But leaving these curiosities, though not unworthy to be thought on in fit place, we will handle, what persons are apt to envy others; what persons are most subject to be envied themselves; and what is the difference between public and private envy.

A man that hath no virtue in himself, ever envieth virtue in others. For men's minds will either feed upon their own good, or upon others' evil; and who wanteth the one, will prey upon the other: and whoso is out of hope to attain to another's virtue, will seek to come at even hand by depressing another's fortune.

A man that is busy and inquisitive, is commonly envious: for to know much of other men's matters cannot be, because all that ado may concern his own estate: therefore it must needs be, that he taketh a kind of play-pleasure in looking upon the fortunes of others; neither can he that mindeth but his own business find much matter for envy. For envy is a gadding passion, and walketh the streets, and doth not keep home; "Non est curiosus, quin idem sit malevolus."

Men of noble birth are noted to be envious towards new men when they rise: for the distance is altered; and it is like a deceit of the eye, that when others come on, they think themselves go back.

Deformed persons and eunuchs, and old men and bastards, are envious: for he that cannot possibly mend his own case, will do what he can to impair another's; except these defects light upon a very brave and heroical nature, which thinketh to make his natural wants part of his honour; in that it should be said, that an eunuch or a lame man did such great matters; affecting the honour of a miracle: as it was in Narses the eunuch, and Agesilaus and Tamerlane, that were lame men.

The same is the case of men that rise after calamities and misfortunes; for they are as men fallen out with the times, and think other men's harms a redemption of their own sufferings.

They that desire to excel in too many matters, out of levity and vain-glory, are ever envious, for they cannot want work; it being impossible but many, in some one of those things, should surpass them. Which was the character of Adrian the emperor, that mortally envied poets, and painters, and artificers, in works wherein he had a vein to excel.

Lastly, near kinsfolks, and fellows in office, and those that have been bred together, are more apt to envy their equals when they are raised. For it doth upbraid unto them their own fortunes, and pointeth at them, and cometh oftener into their remembrance, and incurreth likewise more into the mouth of others; and envy ever redoubleth from speech and fame. Cain's envy was the more vile and malignant towards his brother Abel, because, when his sacrifice was better accepted, there was nobody to look on. Thus much for those that are apt to envy.

Concerning those that are more or less subject to envy: First, persons of eminent virtue, when they are advanced, are less envied. For their fortune seemeth but due unto them; and no man envieth the payment of a debt, but rewards, and liberality rather. Again, envy is ever joined with the comparing of a man's self; and where there is no comparison, no envy; and therefore kings are not envied but by kings. Nevertheless it is to be noted, that unworthy persons are most envied at their first coming in, and afterwards overcome it better; whereas contrariwise, persons of worth and merit are most envied when their fortune continueth long. For by that time, though their virtue be the same, yet it hath not the same lustre; for fresh men grow up that darken it.

Persons of noble blood are less envied in their rising; for it seemeth but right done to their birth: besides, there seemeth not much added to their fortune; and envy is as the sun-beams, that beat hotter upon a bank or steep rising ground than upon a flat. And for the same reason, those that are advanced by degrees, are less envied than those that are advanced suddenly, and per saltum.

Those that have joined with their honour great travels, cares, or perils, are less subject to envy: for men think that they earn their honours hardly, and pity them sometimes; and pity ever healeth envy: wherefore you shall observe, that the more deep and sober sort of politic persons, in their greatness, are ever bemoaning themselves what a life they lead, chanting a "Quanta patimur:" not that they feel it so, but only to abate the edge of envy. But this is to be understood of business that is laid upon men, and not such as they call unto themselves: for nothing increaseth envy more, than an unnecessary and ambitious engrossing of business: and nothing doth extinguish envy more, than for a great person to preserve all other inferior officers in their full rights and pre-eminences of their places: for by that means there be so many screens between him and envy.

Above all, those are most subject to envy, which carry the greatness of their fortunes in an insolent and proud manner: being never well but while they are showing how great they are, either by outward pomp, or by triumphing over all opposition or competition: whereas wise men will rather do sacrifice to envy, in suffering themselves sometimes of purpose to be crossed and overborne in things that do not much concern them. Notwithstanding, so much is true, that the carriage of greatness in a plain and open manner, so it be without arrogancy and vain-glory, doth draw less envy, than if it be in a more crafty and cunning fashion. For in that course a man doth but disavow fortune, and seemeth to be conscious of his own want in worth, and doth but teach others to envy him.

Lastly, to conclude this part; as we said in the beginning, that the act of envy had somewhat in it of witchcraft, so there is no other cure of envy, but the cure of witchcraft: and that is, to remove the lot, as they call it, and to lay it upon another. For which purpose, the wiser sort of great persons bring in ever upon the stage somebody upon whom to derive the envy that would come upon themselves; sometimes upon ministers and servants, sometimes upon colleagues and associates, and the like: and for that turn, there are never wanting some persons of violent and undertaking natures, who, so they may have power and business, will take it at any cost.

Now to speak of public envy. There is yet some good in public envy, whereas in private there is none. For public envy is as an ostracism, that eclipseth men when they grow too great: and therefore it is a bridle also to great ones, to keep them within bounds.

This envy, being in the Latin word invidia, goeth in the modern languages by the name of discontent-

ment; of which we shall speak in handling sedition. It is a disease in a state like to infection: for as infection spreadeth upon that which is sound, and tainteth it; so when envy is gotten once into a state, it traduceth even the best actions thereof, and turneth them into an ill odour; and therefore there is little won by intermingling of plausible actions: for that doth argue but a weakness and fear of envy, which hurteth so much the more; as it is likewise usual in infections, which if you fear them, you call them upon you.

This public envy seemeth to beat chiefly upon principal officers or ministers, rather than upon kings and estates themselves. But this is a sure rule, that if the envy upon the minister be great, when the cause of it in him is small; or if the envy be general in a manner upon all the ministers of an estate, then the envy, though hidden, is truly upon the state itself. And so much of public envy or discontentment, and the difference thereof from private envy, which was handled in the first place.

We will add this in general touching the affection of envy: that of all other affections, it is the most importune and continual: for of other affections there is occasion given but now and then: and therefore it is well said, "Invidia festos dies non agit:" for it is ever working upon some or other. And it is also noted, that love and envy do make a man pine, which other affections do not, because they are not so continual. It is also the vilest affection, and the most depraved; for which cause it is the proper attribute of the devil, who is called "the envious man, that soweth tares amongst the wheat by night:" as it always cometh to pass, that envy worketh subtilty, and in the dark; and to the prejudice of good things, such as is the wheat.

X. OF LOVE.

The stage is more beholden to love, than the life of man. For as to the stage, love is ever matter of comedies, and now and then of tragedies; but in life it doth much mischief, sometimes like a siren, sometimes like a fury. You may observe, that amongst all the great and worthy persons, whereof the memory remaineth, either ancient or recent, there is not one that hath been transported to the mad degree of love; which shows, that great spirits and great business do keep out this weak passion. You must except nevertheless Marcus Antonius, the half partner of the empire of Rome, and Appius Claudius, the decemvir and lawgiver; whereof the former was indeed a voluptuous man and inordinate; but the latter was an austere and wise man: and therefore it seems, though rarely, that love can find entrance, not only into an open heart, but also into a heart well fortified, if watch be not well kept. It is a poor saying of Epicurus; "Satis magnum alter alteri theatrum sumus:" as if man, made for the contemplation of heaven, and all noble objects, should do nothing but kneel before a little idol, and make himself subject, though not of the mouth, as beasts are, yet of the eye, which was given him for higher purposes. It is a strange thing to note the excess of this passion; and how it braves the nature and value of things by this, that the speaking in a perpetual hyperbole is comely in nothing but in love. Neither is it merely in the phrase; for whereas it hath been well said, that the arch flatterer, with whom all the petty flatterers have intelligence, is a man's self; certainly the lover is more. For there was never proud man thought so absurdly well of himself, as the lover doth of the person loved; and therefore it was well said, that it is impossible to love, and to be wise. Neither doth this weakness appear to others only, and not to the party loved, but to the loved most of all; except the love be reciproque. For it is a true rule, that love is ever rewarded either with the reciproque, or with an inward and secret contempt: by how much the more men ought to beware of this passion, which loseth not only other things, but itself. As for the other losses, the poet's relation doth well figure them; that he that preferred Helena, quitted the gifts of Juno and Pallas: for whosoever esteemeth too much of amorous affection, quitteth both riches and wisdom. This passion hath its floods in the very times of weakness, which are great prosperity, and great adversity; though this latter hath been less observed: both which times kindle love, and make it more fervent, and therefore, show it to be the child of folly. They do best, who, if they cannot but admit love, yet make it keep quarter; and sever it wholly from their serious affairs and actions of life: for if it check once with business, it troubleth men's fortunes, and maketh men that they can no ways be true to their own ends. I know not how, but martial men are given to love: I think it is, but as they are given to wine; for perils commonly ask to be paid in pleasures. There is in man's nature a secret inclination and motion towards love of others, which if it be not spent upon some one or a few, doth naturally spread itself towards many, and maketh men become humane and charitable; as it is seen sometimes in friars. Nuptial love maketh mankind; friendly love perfecteth it; but wanton love corrupteth and embaseth it.

XI. OF GREAT PLACE.

Men in great place are thrice servants: servants of the sovereign or state; servants of fame; and servants of business: so as they have no freedom, neither in their persons, nor in their actions, nor in their times. It is a strange desire, to seek power, and to lose liberty; or to seek power over others, and to lose power over a man's self. The rising unto place is laborious; and by pains men come to greater pains: and it is sometimes base; and by indignities men come to dignities. The standing is slippery, and the regress is either a downfal, or at least an eclipse, which is a melancholy thing. "Cum non sis qui fueris, non esse cur velis vivere?" Nay, retire men cannot when they would; neither will they when it were reason; but are impatient of privateness, even in age and sickness, which require the shadow: like old townsmen, that will be still sitting at their street door, though thereby they offer age

to scorn. Certainly great persons had need to borrow other men's opinions to think themselves happy; for if they judge by their own feeling, they cannot find it; but if they think with themselves what other men think of them, and that other men would fain be as they are, then they are happy as it were by report, when perhaps they find the contrary within. For they are the first that find their own griefs; though they be the last that find their own faults. Certainly men in great fortunes are strangers to themselves, and while they are in the puzzle of business, they have no time to tend their health either of body or mind. "Illi mors gravis incubat, qui notus nimis omnibus, ignotus moritur sibi." In place there is licence to do good and evil; whereof the latter is a curse; for in evil the best condition is not to will, the second not to can. But power to do good is the true and lawful end of aspiring. For good thoughts, though God accept them, yet towards men are little better than good dreams, except they be put in act; and that cannot be without power and place; as the vantage and commanding ground. Merit and good works is the end of man's motion; and conscience of the same is the accomplishment of man's rest. For if a man can be partaker of God's theatre, he shall likewise be partaker of God's rest. "Et conversus Deus, ut aspiceret opera, quæ fecerunt manus suæ, vidit quod omnia essent bona nimis;" and then the sabbath. In the discharge of thy place, set before thee the best examples; for imitation is a globe of precepts. And after a time set before thee thine own example; and examine thyself strictly, whether thou didst not best at first. Neglect not also the examples of those, that have carried themselves ill in the same place: not to set off thyself by taxing their memory; but to direct thyself what to avoid. Reform, therefore, without bravery or scandal of former times and persons; but yet set it down to thyself, as well to create good precedents, as to follow them. Reduce things to the first institution, and observe wherein and how they have degenerated; but yet ask counsel of both times: of the ancient time what is best; and of the latter time what is fittest. Seek to make thy course regular; that men may know beforehand what they may expect: but be not too positive and peremptory; and express thyself well when thou digressest from thy rule. Preserve the right of thy place, but stir not questions of jurisdiction: and rather assume thy right in silence, and de facto, than voice it with claims and challenges. Preserve likewise the rights of inferior places: and think it more honour to direct in chief, than to be busy in all. Embrace and invite helps and advices touching the execution of thy place; and do not drive away such as bring thee information, as meddlers, but accept of them in good part. The vices of authority are chiefly four; delays, corruption, roughness, and facility. For delays, give easy access; keep times appointed; go through with that which is in hand; and interlace not business but of necessity. For corruption; do not only bind thine own hands, or thy servant's hand, from taking, but bind the hands of suitors also from offering. For integrity used doth the one; but integrity professed, and with a manifest detestation of bribery, doth the other: and avoid not only the fault, but the suspicion. Whosoever is found variable, and changeth manifestly without manifest cause, giveth suspicion of corruption. Therefore always when thou changest thine opinion or course, profess it plainly, and declare it, together with the reasons that move thee to change; and do not think to steal it. A servant or a favourite, if he be inward, and no other apparent cause of esteem, is commonly thought but a bye-way to close corruption. For roughness, it is a needless cause of discontent; severity breedeth fear, but roughness breedeth hate. Even reproofs from authority ought to be grave, and not taunting. As for facility, it is worse than bribery. For bribes come but now and then; but if importunity or idle respects lead a man, he shall never be without. As Solomon saith; "to respect persons is not good; for such a man will transgress for a piece of bread." It is most true that was anciently spoken, "A place showeth the man:" and it showeth some to the better, and some to the worse; "omnium consensu, capax imperii, nisi imperasset," saith Tacitus of Galba: but of Vespasian he saith; "solus imperantium Vespasianus mutatus in melius." Though the one was meant of sufficiency, the other of manners and affection. It is an assured sign of a worthy and generous spirit, whom honour amends. For honour is, or should be, the place of virtue: and as in nature things move violently to their place, and calmly in their place; so virtue in ambition is violent, in authority settled and calm. All rising to great place is by a winding-stair; and if there be factions, it is good to side a man's self whilst he is in the rising; and to balance himself when he is placed. Use the memory of thy predecessor fairly and tenderly; for if thou dost not, it is a debt will sure be paid when thou art gone. If thou have colleagues, respect them, and rather call them when they look not for it, than exclude them when they have reason to look to be called. Be not too sensible, or too remembering of thy place in conversation, and private answers to suitors; but let it rather be said, When he sits in place he is another man.

XII. OF BOLDNESS.

It is a trivial grammar-school text, but yet worthy a wise man's consideration. Question was asked of Demosthenes, what was the chief part of an orator? He answered, Action. What next?—Action. What next again?—Action. He said it that knew it best; and had by nature himself no advantage in that he commended. A strange thing, that that part of an orator, which is but superficial, and rather the virtue of a player, should be placed so high above those other noble parts of invention, elocution, and the rest: nay almost alone, as if it were all in all. But the reason is plain. There is in human nature, generally, more of the fool than of the wise; and therefore those faculties by which the foolish part of men's minds is taken, are most potent. Wonderful like is the case of boldness in civil business; what

first?—Boldness. What second and third?—Boldness. And yet boldness is a child of ignorance and baseness, far inferior to other parts. But nevertheless it doth fascinate, and bind hand and foot those that are either shallow in judgment, or weak in courage, which are the greatest part; yea, and prevaileth with wise men at weak tim . therefore we see it hath done wonders in p r states, but with senates and princes less; and more ever upon the first entrance of bold persons into action, than soon after; for boldness is an ill keeper of promise. Surely, as there are mountebanks for the natural body, so there are mountebanks for the politic body: men that undertake great cures, and perhaps have been lucky in two or three experiments, but want the grounds of science, and therefore cannot hold out: nay, you shall see a bold fellow many times do Mahomet's miracle. Mahomet made the people believe that he would call a hill to him, and from the top of it offer up prayers for the observers of his law. The people assembled: Mahomet called the hill to come to him again and again; and when the hill stood still he was never a whit abashed, but said, "If the hill will not come to Mahomet, Mahomet will go to the hill." So these men when they have promised great matters, and failed most shamefully, yet, if they have the perfection of boldness, they will but slight it over, and make a turn, and no more ado. Certainly to men of great judgment bold persons are a sport to behold; nay, and to the vulgar also boldness hath somewhat of the ridiculous: for if absurdity be the subject of laughter, doubt you not but great boldness is seldom without some absurdity: especially it is a sport to see when a bold fellow is out of countenance, for that puts his face into a most shrunken and wooden posture, as needs it must; for in bashfulness the spirits do a little go and come; but with bold men, upon like occasion, they stand at a stay; like a stale at chess, where it is no mate, but yet the game cannot stir: but this last were fitter for a satire, than for a serious observation. This is well to be weighed, that boldness is ever blind; for it seeth not dangers and inconveniences: therefore it is ill in counsel, good in execution: so that the right use of bold persons is, that they never command in chief, but be seconds, and under the direction of others. For in counsel, it is good to see dangers; and in execution not to see them, except they be very great.

XIII. OF GOODNESS, AND GOODNESS OF NATURE.

I take goodness in this sense, the affecting of the weal of men, which is that the Grecians called philanthropia; and the word humanity, as it is used, is a little too light to express it. Goodness I call the habit, and goodness of nature the inclination. This of all virtues and dignities of the mind is the greatest, being the character of the Deity; and without it man is a busy, mischievous, wretched thing, no better than a kind of vermin. Goodness answers to the theological virtue, charity, and admits no excess but error. The desire of power in excess caused the angels to fall; the desire of knowledge in excess caused man to fall: but in charity there is no excess; neither can angel or man come in danger by it. The inclination to goodness is imprinted deeply in the nature of man; insomuch, that if it issue not towards men, it will take unto other living creatures; as it is seen in the Turks, a cruel people, who nevertheless are kind to beasts, and give alms to dogs and birds: insomuch, as Busbechius reporteth, a christian boy in Constantinople had like to have been stoned, for gagging, in a waggishness, a long-billed fowl. Errors indeed in this virtue of goodness or charity may be committed. The Italians have an ungracious proverb; "Tanto buon che val niente;" So good that he is good for nothing. And one of the doctors of Italy, Nicholas Machiavel, had the confidence to put in writing, almost in plain terms, that the christian faith had given up good men in prey to those that are tyrannical and unjust: which he spake, because indeed there was never law, or sect, or opinion, did so much magnify goodness, as the christian religion doth: therefore to avoid the scandal, and the danger both, it is good to take knowledge of the errors of a habit so excellent. Seek the good of other men, but be not in bondage to their faces or fancies; for that is but facility or softness, which taketh an honest mind prisoner. Neither give thou Æsop's cock a gem, who would be better pleased and happier if he had a barley-corn. The example of God teacheth the lesson truly; "he sendeth his rain and maketh his sun to shine upon the just and the unjust;" but he doth not rain wealth nor shine honour and virtues upon men equally: common benefits are to be communicated with all, but peculiar benefits with choice. And beware, how in making the portraiture thou breakest the pattern; for divinity maketh the love of ourselves the pattern, the love of our neighbours but the portraiture: "Sell all thou hast, and give it to the poor, and follow me." But sell not all thou hast, except thou come and follow me; that is, except thou have a vocation, wherein thou mayest do as much good with little means as with great: for otherwise, in feeding the streams thou driest the fountain. Neither is there only a habit of goodness directed by right reason; but there is in some men, even in nature, a disposition towards it; as on the other side there is a natural malignity. For there be, that in their nature do not affect the good of others. The lighter sort of malignity turneth but to a crossness, or frowardness, or aptness to oppose, or difficileness, or the like; but the deeper sort to envy, and mere mischief. Such men, in other men's calamities, are as it were in season, and are ever on the loading part: not so good as the dogs that licked Lazarus' sores, but like flies that are still buzzing upon any thing that is raw; misanthropi, that make it their practice to bring men to the bough, and yet have never a tree for the purpose in their gardens, as Timon had. Such dispositions are the very errors of human nature, and yet they are the fittest timber to make great politics of; like to knee-timber, that is good for ships that are ordained to be tossed, but not for building houses that

all stand firm. The parts and signs of goodness are many. If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them. If he be compassionate towards the afflictions of others, it shows that his heart is like the noble tree that is wounded itself when it gives the balm. If he easily pardons and remits offences, it shows that his mind is planted above injuries, so that he cannot be shot. If he be thankful for small benefits, it shows that he weighs men's minds, and not their trash. But above all, if he have St. Paul's perfection, that he would wish to be an anathema from Christ for the salvation of his brethren, it shows much of a divine nature, and a kind of conformity with Christ himself.

XIV. OF NOBILITY.

We will speak of nobility first as a portion of an state, then as a condition of particular persons. A monarchy, where there is no nobility at all, is ever pure and absolute tyranny; as that of the Turks: nobility attempers sovereignty, and draws the eyes of the people somewhat aside from the line royal. But for democracies, they need it not; and they are commonly more quiet, and less subject to sedition, than where there are stirps of nobles; for men's eyes are upon the business, and not upon the persons: or upon the persons, it is for the business' sake, as fittest, and not for flags and pedigree. We see the Switzers last well, notwithstanding their diversity of religion, and of cantons; for utility is their bond, and not respects. The United Provinces of the Low Countries, in their government, excel: for where there is an equality, the consultations are more indifferent, and the payments and tributes more cheerful. A great and potent nobility addeth majesty to a monarch, but diminisheth power; and putteth life and spirit into the people, but presseth their fortune. It is well when nobles are not too great for sovereignty, nor for justice; and yet maintained in that height, as the insolency of inferiors may be broken upon them, before it come on too fast upon the majesty of kings. A numerous nobility causeth poverty and inconvenience in a state, for it is a surcharge of expense; and besides, it being of necessity that many of the nobility fall in time to be weak in fortune, it maketh a kind of disproportion between honour and means.

As for nobility in particular persons; it is a reverend thing to see an ancient castle or building not in decay; or to see a fair timber tree sound and perfect; how much more to behold an ancient noble family, which hath stood against the waves and weathers of time! for new nobility is but the act of power, but ancient nobility is the act of time. Those that are first raised to nobility, are commonly more virtuous, but less innocent, than their descendants; for there is rarely any rising, but by a commixture of good and evil arts: but it is reason the memory of their virtues remain to their posterity, and their faults die with themselves. Nobility of birth commonly abateth industry; and he that is not industrious envieth him that is. Besides, noble persons cannot go much higher; and he that standeth at a stay, when others rise, can hardly avoid motions of envy. On the other side, nobility extinguisheth the passive envy from others towards them, because they are in possession of honour. Certainly kings that have able men of their nobility, shall find ease in employing them, and a better slide into their business: for people naturally bend to them, as born in some sort to command.

XV. OF SEDITIONS AND TROUBLES.

Shepherds of people had need know the kalenders of tempests in state; which are commonly greatest when things grow to equality; as natural tempests are greatest about the equinoctia. And as there are certain hollow blasts of wind, and secret swellings of seas, before a tempest, so are there in states:

> "Ille etiam cæcos instare tumultus
> Sæpe monet, fraudesque et operta tumescere bella."

Libels and licentious discourses against the state, when they are frequent and open, and in like sort false news often running up and down to the disadvantage of the state, and hastily embraced, are amongst the signs of troubles. Virgil giving the pedigree of Fame, saith, she was sister to the giants.

> "Illam Terra parens, ira irritata Deorum,
> Extremam, ut perhibent, Cœo Enceladoque sororem
> Progenuit."

As if fames were the relics of seditions past: but they are no less indeed the preludes of seditions to come. Howsoever he noted it right, that seditious tumults, and seditious fames, differ no more, but as brother and sister, masculine and feminine; especially if it come to that, that the best actions of a state, and the most plausible, and which ought to give greatest contentment, are taken in ill sense and traduced: for that shows the envy great, as Tacitus saith; "conflata magna invidia, seu bene, seu male, gesta premunt." Neither doth it follow, that because these fames are a sign of troubles, that the suppressing of them with too much severity should be a remedy of troubles. For the despising of them many times checks them best: and the going about to stop them, doth but make a wonder long-lived. Also that kind of obedience which Tacitus speaketh of, is to be held suspected; "Erant in officio, sed tamen qui mallent mandata imperantium interpretari quam exequi;" disputing, excusing, cavilling upon mandates, and directions, is a kind of shaking off the yoke, and assay of disobedience: especially if in those disputings, they which are for the direction, speak fearfully and tenderly; and those that are against it, audaciously.

Also, as Machiavel noteth well, when princes, that ought to be common parents, make themselves as a party, and lean to a side, it is as a boat that is overthrown by uneven weight on the one side: as was well seen in the time of Henry the third of France; for first, himself entered league for the extirpation of the protestants; and presently after the same

league was turned upon himself. For when the authority of princes is made but an accessary to a cause, and that there be other bands, that tie faster than the band of sovereignty, kings begin to be put almost out of possession.

Also, when discords, and quarrels, and factions, are carried openly and audaciously, it is a sign the reverence of government is lost. For the motions of the greatest persons in a government ought to be as the motions of the planets under primum mobile, according to the old opinion; which is, that every of them is carried swiftly by the highest motion, and softly in their own motion. And therefore when great ones in their own particular motion move violently, and, as Tacitus expresseth it well, "liberius, quam ut imperantium meminissent;" it is a sign the orbs are out of frame. For reverence is that wherewith princes are girt from God, who threatenetb the dissolving thereof; "solvam cingula regum."

So when any of the four pillars of government are mainly shaken or weakened, which are religion, justice, counsel, and treasure, men had need to pray for fair weather. But let us pass from this part of predictions, concerning which, nevertheless, more light may be taken from that which followeth, and let us speak first of the materials of seditions; then of the motives of them; and thirdly, of the remedies.

Concerning the materials of seditions. It is a thing well to be considered; for the surest way to prevent seditions, if the times do bear it, is to take away the matter of them. For if there be fuel prepared, it is hard to tell whence the spark shall come that shall set it on fire. The matter of seditions is of two kinds: much poverty, and much discontentment. It is certain, so many overthrown estates, so many votes for troubles. Lucan noteth well the state of Rome before the civil war:

> "Hinc usura vorax, rapidumque in tempore fœnus,
> Hinc concussa fides, et multis utile bellum."

This same "multis utile bellum" is an assured and infallible sign of a state disposed to seditions and troubles. And if this poverty and broken estate in the better sort be joined with a want and necessity in the mean people, the danger is imminent and great. For the rebellions of the belly are the worst. As for discontentments, they are in the politic body like to humours in the natural, which are apt to gather a preternatural heat, and to inflame. And let no prince measure the danger of them by this; whether they be just, or unjust; for that were to imagine people to be too reasonable; who do often spurn at their own good: nor yet by this; whether the griefs whereupon they rise be in fact great or small. For they are the most dangerous discontentments, where the fear is greater than the feeling. "Dolendi modus, timendi non item." Besides, in great oppressions, the same things that provoke the patience, do withal mate the courage; but in fears it is not so. Neither let any prince or state be secure concerning discontentments, because they have been often, or have been long, and yet no peril hath ensued; for as it is true that every vapour, or fume, doth not turn into a storm; so it is nevertheless true, that storms, though they blow over divers times, yet may fall at last; and as the Spanish proverb noteth well, the cord breaketh at last by the weakest pull.

The causes and motions of seditions are, innovation in religion, taxes, alteration of laws and customs, breaking of privileges, general oppression, advancement of unworthy persons, strangers, dearths, disbanded soldiers, factions grown desperate; and whatsoever in offending people joineth and knitteth them in a common cause.

For the remedies, there may be some general preservatives, whereof we will speak; as for the just cure, it must answer to the particular disease; and so be left to counsel, rather than rule.

The first remedy or prevention, is to remove by all means possible that material cause of sedition, whereof we spake; which is want and poverty in the estate. To which purpose serveth the opening and well balancing of trade; the cherishing of manufactures; the banishing of idleness; the repressing of waste and excess by sumptuary laws; the improving and husbanding of the soil; the regulating of prices of things vendible; the moderating of taxes and tributes, and the like. Generally it is to be foreseen, that the population of a kingdom, especially if it be not mown down by wars, do not exceed the stock of the kingdom which should maintain them. Neither is the population to be reckoned only by number: for a smaller number, that spend more, and earn less, do wear out an estate sooner than a greater number that live lower and gather more. Therefore the multiplying of nobility, and other degrees of quality, in an over-proportion to the common people, doth speedily bring a state to necessity: and so doth likewise an overgrown clergy; for they bring nothing to the stock: and in like manner, when more are bred scholars, than preferments can take off.

It is likewise to be remembered, that forasmuch as the increase of any estate must be upon the foreigner, for whatsoever is somewhere gotten is somewhere lost, there be but three things which one nation selleth unto another; the commodity as nature yieldeth it; the manufacture; and the vecture or carriage. So that if these three wheels go, wealth will flow as in a spring tide. And it cometh many times to pass, that "materiam superabit opus," that the work and carriage is more worth than the material, and enricheth a state more; as is notably seen in the Low-Countrymen, who have the best mines above ground in the world.

Above all things good policy is to be used, that the treasures and monies in a state be not gathered into few hands. For otherwise a state may have a great stock, and yet starve. And money is like muck, not good except it be spread. This is done chiefly by suppressing, or at the least keeping a strait hand upon the devouring trades of usury, engrossing, great pasturages, and the like.

For removing discontentments, or at least the danger of them, there is in every state, as we know, two portions of subjects, the noblesse, and the commonalty. When one of these is discontent, the

danger is not great; for common people are of slow motion, if they be not excited by the greater sort; and the greater sort are of small strength, except the multitude be apt and ready to move of themselves. Then is the danger, when the greater sort do but wait for the troubling of the waters amongst the meaner, that then they may declare themselves. The poets feign, that the rest of the gods would have bound Jupiter; which he hearing of, by the counsel of Pallas, sent for Briareus with his hundred hands to come in to his aid. An emblem, no doubt, to show, how safe it is for monarchs to make sure of the good will of common people.

To give moderate liberty for griefs and discontentments to evaporate, so it be without too great insolency or bravery, is a safe way. For he that turneth the humours back, and maketh the wound bleed inwards, endangereth malign ulcers, and pernicious imposthumations.

The part of Epimetheus might well become Prometheus, in the case of discontentments, for there is not a better provision against them. Epimetheus, when griefs and evils flew abroad, at last shut the lid, and kept Hope in the bottom of the vessel. Certainly the politic and artificial nourishing and entertaining of hopes, and carrying men from hopes to hopes, is one of the best antidotes against the poison of discontentments. And it is a certain sign of a wise government and proceeding, when it can hold men's hearts by hopes, when it cannot by satisfaction: and when it can handle things in such manner, as no evil shall appear so peremptory, but that it hath some outlet of hope; which is the less hard to do, because both particular persons and factions are apt enough to flatter themselves, or at least to have that which they believe not.

Also, the foresight and prevention that there be no likely or fit head, whereunto discontented persons may resort, and under whom they may join, is a known but an excellent point of caution. I understand a fit head to be one that hath greatness and reputation; that hath confidence with the discontented party, and upon whom they turn their eyes; and that is thought discontented in his own particular: which kind of persons are either to be won and reconciled to the state, and that in a fast and true manner; or to be fronted with some other of the same party that may oppose them, and so divide the reputation. Generally, the dividing and breaking of all factions and combinations that are adverse to the state, and setting them at distance, or at least distrust amongst themselves, is one not of the worst remedies. For it is a desperate case, if those that hold with the proceedings of the state, be full of discord and faction; and those that are against it be entire and united.

I have noted, that some witty and sharp speeches which have fallen from princes, have given fire to seditions. Cæsar did himself infinite hurt in that speech; "Sylla nescivit literas, non potuit dictare:" for it did utterly cut off that hope which men had entertained, that he would at one time or other give over his dictatorship. Galba undid himself by that speech; "Legi a se militem, non emi:" for it put the soldiers out of hope of the donative. Probus likewise by that speech, "Si vixero, non opus erit amplius Romano imperio militibus;" a speech of great despair for the soldiers: and many the like. Surely, princes had need, in tender matters and ticklish times, to beware what they say; especially in these short speeches, which fly abroad like darts, and are thought to be shot out of their secret intentions. For, as for large discourses, they are flat things, and not so much noted.

Lastly, let princes, against all events, not be without some great person, one, or rather more, of military valour, near unto them, for the repressing of seditions in their beginnings. For without that, there useth to be more trepidation in court upon the first breaking out of troubles, than were fit. And the state runneth the danger of that which Tacitus saith, "atque is habitus animorum fuit, ut pessimum facinus auderent pauci, plures vellent, omnes paterentur." But let such military persons be assured and well reputed of, rather than factious and popular; holding also good correspondence with the other great men in the state; or else the remedy is worse than the disease.

XVI. OF ATHEISM.

I had rather believe all the fables in the Legend, and the Talmud, and the Alcoran, than that this universal frame is without a mind. And therefore God never wrought miracle to convince atheism, because his ordinary works convince it. It is true, that a little philosophy inclineth man's mind to atheism; but depth in philosophy bringeth men's minds about to religion: for while the mind of man looketh upon second causes scattered, it may sometimes rest in them, and go no farther; but when it beholdeth the chain of them confederate and linked together, it must needs fly to Providence and Deity. Nay even that school which is most accused of atheism, doth most demonstrate religion; that is, the school of Leucippus, and Democritus, and Epicurus. For it is a thousand times more credible, that four mutable elements, and one immutable fifth essence duly and eternally placed, need no God; than that an army of infinite small portions, or seeds unplaced, should have produced this order and beauty without a divine marshal. The Scripture saith, "The fool hath said in his heart, There is no God:" it is not said, "the fool hath thought in his heart." So as he rather saith it by rote to himself, as that he would have, than that he can thoroughly believe it, or be persuaded of it. For none deny there is a God, but those for whom it maketh that there were no God. It appeareth in nothing more, that atheism is rather in the lip than in the heart of man, than by this; that atheists will ever be talking of that their opinion, as if they fainted in it within themselves, and would be glad to be strengthened by the consent of others: nay more, you shall have atheists strive to get disciples, as it fareth with other sects: and, which is most of all, you shall have of them that will suffer for atheism, and not recant; whereas if they did truly think that there were no such thing

as God, why should they trouble themselves? Epicurus is charged, that he did but dissemble, for his credit's sake, when he affirmed there were blessed natures, but such as enjoyed themselves without having respect to the government of the world. Wherein they say he did temporize, though in secret he thought there was no God. But certainly he is traduced; for his words are noble and divine: "Non deos vulgi negare profanum; sed vulgi opiniones diis applicare profanum." Plato could have said no more. And although he had the confidence to deny the administration, he had not the power to deny the nature. The Indians of the west have names for their particular gods, though they have no name for God: as if the heathens should have had the names Jupiter, Apollo, Mars, &c. but not the word *Deus;* which shows, that even those barbarous people have the notion, though they have not the latitude and extent of it. So that against atheists the very savages take part with the very subtilest philosophers. The contemplative atheist is rare; a Diagoras, a Bion, a Lucian perhaps, and some others; and yet they seem to be more than they are; for that all that impugn a received religion, or superstition, are by the adverse part branded with the name of atheists. But the great atheists indeed are hypocrites; which are ever handling holy things, but without feeling; so as they must needs be cauterised in the end. The causes of atheism are; divisions in religion, if they be many; for any one main division addeth zeal to both sides; but many divisions introduce atheism. Another is, scandal of priests; when it is come to that which St. Bernard saith, "non est jam dicere, ut populus, sic sacerdos: quia nec sic populus, ut sacerdos." A third is custom of profane scoffing in holy matters; which doth by little and little deface the reverence of religion. And lastly, learned times, especially with peace and prosperity: for troubles and adversities do more bow men's minds to religion. They that deny a God destroy man's nobility: for certainly man is of kin to the beasts by his body; and if he be not of kin to God by his spirit, he is a base and ignoble creature. It destroys likewise magnanimity, and the raising of human nature: for take an example of a dog, and mark what a generosity and courage he will put on, when he finds himself maintained by a man, who to him is instead of a God, or melior natura: which courage is manifestly such, as that creature, without confidence of a better nature than his own, could never attain. So man, when he resteth and assureth himself upon divine protection and favour, gathereth a force and faith, which human nature in itself could not obtain: therefore as atheism is in all respects hateful, so in this, that it depriveth human nature of the means to exalt itself above human frailty. As it is in particular persons, so it is in nations: never was there such a state for magnanimity as Rome; of this state hear what Cicero saith: "Quam volumus, licet, patres conscripti, nos amemus, tamen nec numero Hispanos, nec robore Gallos, nec calliditate Pœnos, nec artibus Græcos, nec denique hoc ipso hujus gentis et terræ domestico nativoque sensu Italos ipsos et Latinos; sed pietate, ac religione, atque hâc-unâ sapientiâ, quod deorum immortalium numine omnia regi gubernarique perspeximus, omnes gentes nationesque superavimus."

XVII. OF SUPERSTITION.

It were better to have no opinion of God at all, than such an opinion as is unworthy of him: for the one is unbelief, the other is contumely: and certainly superstition is the reproach of the Deity. Plutarch saith well to that purpose: "Surely," saith he, "I had rather a great deal men should say, there was no such man at all as Plutarch, than that they should say, that there was one Plutarch, that would eat his children as soon as they were born; as the poets speak of Saturn." And as the contumely is greater towards God, so the danger is greater towards men. Atheism leaves a man to sense, to philosophy, to natural piety, to laws, to reputation; all which may be guides to an outward moral virtue, though religion were not: but superstition dismounts all these, and erecteth an absolute monarchy in the minds of men. Therefore atheism did never perturb states; for it makes men wary of themselves, as looking no farther: and we see the times inclined to atheism, as the time of Augustus Cæsar, were civil times. But superstition hath been the confusion of many states; and bringeth in a new primum mobile, that ravisheth all the spheres of government. The master of superstition is the people; and in all superstition wise men follow fools; and arguments are fitted to practice in a reversed order. It was gravely said by some of the prelates in the council of Trent, where the doctrine of the schoolmen bare great sway; that the schoolmen were like astronomers, which did feign eccentrics and epicycles, and such engines of orbs, to save the phenomena, though they knew there were no such things; and in like manner, that the schoolmen had framed a number of subtile and intricate axioms and theorems, to save the practice of the church. The causes of superstition are: pleasing and sensual rites and ceremonies: excess of outward and pharisaical holiness: over-great reverence of traditions, which cannot but load the church: the stratagems of prelates for their own ambition and lucre: the favouring too much of good intentions, which openeth the gate to conceits and novelties: the taking an aim at divine matters by human, which cannot but breed mixture of imaginations: and lastly, barbarous times, especially joined with calamities and disasters. Superstition without a veil is a deformed thing: for as it addeth deformity to an ape to be so like a man; so the similitude of superstition to religion makes it the more deformed. And as wholesome meat corrupteth to little worms, so good forms and orders corrupt into a number of petty observances. There is a superstition in avoiding superstition; when men think to do best, if they go farthest from the superstition formerly received: therefore care would be had, that, as it fareth in ill purgings, the good be not taken away with the bad,

which commonly is done when the people is the reformer.

XVIII. OF TRAVEL.

Travel in the younger sort is a part of education; in the elder a part of experience. He that travelleth into a country before he hath some entrance into the language, goeth to school, and not to travel. That young men travel under some tutor or grave servant, I allow well; so that he be such a one that hath the language, and hath been in the country before; whereby he may be able to tell them what things are worthy to be seen in the country where they go, what acquaintances they are to seek, what exercises or discipline the place yieldeth. For else young men shall go hooded, and look abroad little. It is a strange thing, that in sea-voyages, where there is nothing to be seen but sky and sea, men should make diaries; but in land-travel, wherein so much is to be observed, for the most part they omit it; as if chance were fitter to be registered than observation. Let diaries therefore be brought in use. The things to be seen and observed are: the courts of princes, especially when they give audience to ambassadors; the courts of justice while they sit and hear causes: and so of consistories ecclesiastic: the churches and monasteries, with the monuments which are therein extant: the walls and fortifications of cities and towns, and so the havens and harbours: antiquities and ruins; libraries, colleges, disputations, and lectures, where any are; shipping and navies; houses, and gardens of state and pleasure near great cities; armories, arsenals, magazines, exchanges, burses, warehouses, exercises of horsemanship, fencing, training of soldiers, and the like; comedies, such whereunto the better sort of persons do resort; treasuries of jewels and robes, cabinets and rarities: and to conclude, whatsoever is memorable in the places where they go. After all which, the tutors or servants ought to make diligent inquiry. As for triumphs, masks, feasts, weddings, funerals, capital executions, and such shows, men need not to be put in mind of them; yet are they not to be neglected. If you will have a young man to put his travel into a little room, and in short time to gather much, this you must do; first, as was said, he must have some entrance into the language before he goeth. Then he must have such a servant, or tutor, as knoweth the country, as was likewise said. Let him carry with him also some card or book describing the country where he travelleth, which will be a good key to his inquiry. Let him keep also a diary. Let him not stay long in one city or town; more or less as the place deserveth, but not long: nay, when he stayeth in one city or town, let him change his lodging from one end and part of the town to another, which is a great adamant of acquaintance. Let him sequester himself from the company of his countrymen, and diet in such places where there is good company of the nation where he travelleth. Let him, upon his removes from one place to another, procure recommendation to some person of quality residing in the place whither he removeth; that he may use his favour in those things he desireth to see or know. Thus he may abridge his travel with much profit. As for the acquaintance which is to be sought in travel, that which is most of all profitable, is acquaintance with the secretaries and employed men of ambassadors; for so in travelling in one country, he shall suck the experience of many. Let him also see and visit eminent persons in all kinds, which are of great name abroad; that he may be able to tell how the life agreeth with the fame. For quarrels, they are with care and discretion to be avoided: they are commonly for mistresses, healths, place, and words. And let a man beware how he keepeth company with choleric and quarrelsome persons; for they will engage him into their own quarrels. When a traveller returneth home, let him not leave the countries where he hath travelled altogether behind him; but maintain a correspondence by letters with those of his acquaintance which are of most worth. And let his travel appear rather in his discourse than in his apparel or gesture; and in his discourse, let him be rather advised in his answers than forward to tell stories: and let it appear that he doth not change his country manners for those of foreign parts; but only prick in some flowers of that he hath learned abroad, into the customs of his own country.

XIX. OF EMPIRE.

It is a miserable state of mind to have few things to desire, and many things to fear: and yet that commonly is the case of kings, who being at the highest, want matter of desire, which makes their minds more languishing: and have many representations of perils and shadows, which make their minds the less clear. And this is one reason also of that effect which the Scripture speaketh of, "that the king's heart is inscrutable." For multitude of jealousies, and lack of some predominant desire, that should marshal and put in order all the rest, maketh any man's heart hard to find or sound. Hence it comes likewise, that princes many times make themselves desires, and set their hearts upon toys; sometimes upon a building; sometimes upon erecting of an order; sometimes upon the advancing of a person; sometimes upon obtaining excellency in some art, or feat of the hand; as Nero for playing on the harp; Domitian for certainty of the hand with the arrow; Commodus for playing at fence; Caracalla for driving chariots; and the like. This seemeth incredible unto those that know not the principle, That the mind of man is more cheered and refreshed by profiting in small things, than by standing at a stay in great. We see also, that kings that have been fortunate conquerors in their first years, it being not possible for them to go forward infinitely, but that they must have some check or arrest in their fortunes, turn in their latter years to be superstitious and melancholy: as did Alexander the Great, Dioclesian, and in our memory Charles the Fifth, and others; for he that is used to go forward, and findeth a stop, falleth out of his own favour, and is not the thing he was.

To speak now of the true temper of empire: it is a thing rare and hard to keep; for both temper and distemper consist of contraries. But it is one thing to mingle contraries, another to interchange them. The answer of Apollonius to Vespasian is full of excellent instruction: Vespasian asked him, what was Nero's overthrow? He answered, Nero could touch and tune the harp well, but in government sometimes he used to wind the pins too high, sometimes to let them down too low. And certain it is, that nothing destroyeth authority so much as the unequal and untimely interchange of power pressed too far, and relaxed too much.

This is true, that the wisdom of all these latter times, in princes' affairs, is rather fine deliveries, and shiftings of dangers and mischiefs, when they are near; than solid and grounded courses to keep them aloof. But this is but to try masteries with fortune: and let men beware how they neglect and suffer matter of trouble to be prepared; for no man can forbid the spark, nor tell whence it may come. The difficulties in princes' business are many and great; but the greatest difficulty is often in their own mind. For it is common with princes, saith Tacitus, to will contradictories. "Sunt plerumque regum voluntates vehementes, et inter se contrariæ." For it is the solecism of power, to think to command the end, and yet not to endure the mean.

Kings have to deal with their neighbours; their wives; their children; their prelates or clergy; their nobles; their second nobles or gentlemen; their merchants; their commons; and their men of war; and from all these arise dangers, if care and circumspection be not used.

First, for their neighbours, there can no general rule be given, the occasions are so variable, save one, which ever holdeth; which is, that princes do keep due sentinel, that none of their neighbours do overgrow so, by increase of territory, by embracing of trade, by approaches, or the like, as they become more able to annoy them, than they were. And this is generally the work of standing counsels, to foresee and to hinder it. During that triumvirate of kings, King Henry the Eighth, of England; Francis the First, king of France; and Charles the Fifth, emperor, there was such a watch kept, that none of the three could win a palm of ground, but the other two would straightways balance it, either by confederation, or if need were by a war: and would not in any wise take up peace at interest. And the like was done by that league, which, Guicciardine saith, was the security of Italy, made between Ferdinando, king of Naples; Lorenzius Medices, and Ludovicus Sforza, potentates, the one of Florence, the other of Milan. Neither is the opinion of some of the schoolmen to be received, that a war cannot justly be made but upon a precedent injury, or provocation. For there is no question but a just fear of an imminent danger, though there be no blow given, is a lawful cause of a war.

For their wives, there are cruel examples of them. Livia is infamed for the poisoning of her husband; Roxolana, Solyman's wife, was the destruction of that renowned prince, Sultan Mustapha; and otherwise troubled his house and succession: Edward the second of England his queen had the principal hand in the deposing and murder of her husband. This kind of danger is then to be feared, chiefly, when the wives have plots for the raising their own children, or else that they be advowtresses.

For their children: the tragedies likewise of the dangers from them have been many: and generally, the entering of the fathers into suspicion of their children hath been ever unfortunate. The destruction of Mustapha, that we named before, was so fatal to Solyman's line, as the succession of the Turks, from Solyman until this day, is suspected to be untrue, and of strange blood; for that Solymus the second was thought to be supposititious. The destruction of Crispus, a young prince of rare towardness, by Constantius the Great, his father, was in like manner fatal to his house; for both Constantinus and Constans, his sons, died violent deaths; and Constantinus his other son did little better; who died indeed of sickness, but after that Julianus had taken arms against him. The destruction of Demetrius, son to Philip the second of Macedon, turned upon the father, who died of repentance. And many like examples there are; but few or none where the fathers had good by such distrust, except it were where the sons were up in open arms against them; as was Solymus the first against Bajazet: and the three sons of Henry the Second, king of England.

For their prelates, when they are proud and great, there is also danger from them: as it was in the times of Anselmus and Thomas Becket, archbishops of Canterbury, who with their crosiers did almost try it with the king's sword; and yet they had to deal with stout and haughty kings, William Rufus, Henry the first, and Henry the second. The danger is not from that state, but where it hath a dependence of foreign authority; or where the churchmen come in, and are elected, not by the collation of the king or particular patrons, but by the people.

For their nobles; to keep them at a distance it is not amiss; but to depress them, may make a king more absolute, but less safe; and less able to perform any thing that he desires. I have noted it in my "History of king Henry the seventh of England," who depressed his nobility; whereupon it came to pass that his times were full of difficulties and troubles: for the nobility, though they continued loyal unto him, yet did they not co-operate with him in his business. So that in effect he was fain to do all things himself.

For their second nobles; there is not much danger from them, being a body dispersed. They may sometimes discourse high, but that doth little hurt: besides, they are a counterpoise to the higher nobility, that they grow not too potent: and lastly, being the most immediate in authority with the common people, they do best temper popular commotions.

For their merchants, they are vena porta; and if they flourish not, a kingdom may have good limbs, but will have empty veins, and nourish little. Taxes

and imposts upon them do seldom good to the king's revenue, for that that he wins in the hundred, he loseth in the shire; the particular rates being increased, but the total bulk of trading rather decreased.

For their commons, there is little danger from them, except it be where they have great and potent heads; or where you meddle with the point of religion, or their customs, or means of life.

For their men of war, it is a dangerous state where they live and remain in a body, and are used to donatives, whereof we see examples in the janizaries, and pretorian bands of Rome; but trainings of men, and arming them in several places, and under several commanders, and without donatives, are things of defence and no danger.

Princes are like to heavenly bodies, which cause good or evil times; and which have much veneration, but no rest. All precepts concerning kings are in effect comprehended in those two remembrances: "Memento quod es homo;" and "Memento quod es Deus," or "vice Dei:" the one bridleth their power, and the other their will.

XX. OF COUNSEL.

The greatest trust between man and man is the trust of giving counsel. For in other confidences, men commit the parts of life; their lands, their goods, their children, their credit, some particular affair; but to such as they make their counsellors, they commit the whole: by how much the more they are obliged to all faith and integrity. The wisest princes need not think it any diminution to their greatness, or derogation to their sufficiency, to rely upon counsel. God himself is not without: but hath made it one of the great names of his blessed Son, "the Counsellor." Solomon hath pronounced, that "in counsel is stability." Things will have their first or second agitation; if they be not tossed upon the arguments of counsel, they will be tossed upon the waves of fortune; and be full of inconstancy, doing and undoing, like the reeling of a drunken man. Solomon's son found the force of counsel, as his father saw the necessity of it. For the beloved kingdom of God was first rent and broken by ill counsel; upon which counsel there are set, for our instruction, the two marks whereby bad counsel is for ever best discerned: that it was young counsel, for the persons; and violent counsel, for the matter.

The ancient times do set forth in figure both the incorporation and inseparable conjunction of counsel with kings, and the wise and politic use of counsel by kings: the one, in that they say Jupiter did marry Metis, which signifieth counsel; whereby they intend, that sovereignty is married to counsel; the other in that which followeth, which was thus: they say after Jupiter was married to Metis, she conceived by him, and was with child, but Jupiter suffered her not to stay till she brought forth, but eat her up; whereby he became himself with child, and was delivered of Pallas armed out of his head. Which monstrous fable containeth a secret of empire; how kings are to make use of their council of state: that, first, they ought to refer matters unto them, which is the first begetting or impregnation; but when they are elaborate, moulded and shaped in the womb of their council, and grow ripe and ready to be brought forth, that then they suffer not their council to go through with the resolution and direction, as if it depended on them; but take the matter back into their own hands, and make it appear to the world, that the decrees and final directions, which, because they come forth with prudence and power, are resembled to Pallas armed, proceeded from themselves, and not only from their authority, but, the more to add reputation to themselves, from their head and device.

Let us now speak of the inconveniences of counsel, and of the remedies. The inconveniences that have been noted in calling and using counsel are three. First, the revealing of affairs, whereby they become less secret. Secondly, the weakening of the authority of princes, as if they were less of themselves. Thirdly, the danger of being unfaithfully counselled, and more for the good of them that counsel, than of him that is counselled. For which inconveniences the doctrine of Italy, and practice of France, in some kings' times, hath introduced cabinet councils: a remedy worse than the disease.

As to secrecy, princes are bound to communicate all matters with all counsellors, but may extract and select. Neither is it necessary, that he that consulteth what he should do, should declare what he will do. But let princes beware, that the unsecreting of their affairs comes not from themselves. And as for cabinet counsels, it may be their motto; "Plenus rimarum sum:" one futile person, that maketh it his glory to tell, will do more hurt than many that know it their duty to conceal. It is true, there be some affairs which require extreme secrecy, which will hardly go beyond one or two persons besides the king: neither are those counsels unprosperous; for besides the secrecy, they commonly go on constantly in one spirit of direction without distraction. But then it must be a prudent king, such as is able to grind with a hand-mill; and those inward counsellors had need also be wise men, and especially true and trusty to the king's ends; as it was with king Henry the seventh of England, who in his greatest business imparted himself to none, except it were to Morton and Fox.

For weakening of authority, the fable showeth the remedy. Nay, the majesty of kings is rather exalted than diminished, when they are in the chair of council; neither was there ever prince bereaved of his dependences by his council, except where there hath been either an over-greatness in one counsellor, or an over-strict combination in divers; which are things soon found and holpen.

For the last inconvenience, that men will counsel with an eye to themselves; certainly "Non inveniet fidem super terram" is meant of the nature of times, and not of all particular persons. There be that are in nature faithful and sincere, and plain and direct; not crafty and involved: let princes above all draw to themselves such natures. Besides,

counsellors are not commonly so united, but that one counsellor keepeth sentinel over another; so that if any do counsel out of faction or private ends, it commonly comes to the king's ear. But the best remedy is, if princes know their counsellors, as well as their counsellors know them:

"Principis est virtus maxima nosse suos."

And on the other side, counsellors should not be too speculative into their sovereign's person. The true composition of a counsellor is rather to be skilful in their master's business, than in his nature; for then he is like to advise him, and not to feed his humour. It is of singular use to princes, if they take the opinions of their council both separately and together: for private opinion is more free, but opinion before others is more reverent. In private, men are more bold in their own humours; and in consort, men are more obnoxious to others' humours; therefore it is good to take both: and of the inferior sort, rather in private, to preserve freedom; of the greater, rather in consort, to preserve respect. It is in vain for princes to take counsel concerning matters, if they take no counsel likewise concerning persons: for all matters are as dead images; and the life of the execution of affairs resteth in the good choice of persons. Neither is it enough to consult concerning persons secundum genera, as in an idea or mathematical description, what the kind and character of the person should be; for the greatest errors are committed, and the most judgment is shown, in the choice of individuals. It was truly said, "optimi consiliarii mortui;" books will speak plain, when counsellors blanch. Therefore it is good to be conversant in them, specially the books of such as themselves have been actors upon the stage.

The councils at this day, in most places, are but familiar meetings; where matters are rather talked on, than debated: and they run too swift to the order or act of council. It were better, that in causes of weight the matter were propounded one day, and not spoken to till the next day; "in nocte consilium." So was it done in the commission of union between England and Scotland; which was a grave and orderly assembly. I commend set days for petitions: for both it gives the suitors more certainty for their attendance; and it frees the meetings for matters of estate, that they may hoc agere. In choice of committees, for ripening business for the council, it is better to choose indifferent persons, than to make an indifferency by putting in those that are strong on both sides. I commend also standing commissions; as for trade, for treasure, for war, for suits, for some providences; for where there be divers particular councils, and but one council of estate, as it is in Spain, they are, in effect, no more than standing commissions; save that they have greater authority. Let such as are to inform councils out of their particular professions, as lawyers, seamen, mint-men, and the like, be first heard before committees; and then, as occasion serves, before the council. And let them not come in multitudes, or in a tribunitious manner; for that is to clamour councils, not to inform them. A long table, and a square table, or seats about the walls, seem things of form, but are things of substance; for at a long table, a few at the upper end, in effect, sway all the business; but in the other form, there is more use of the counsellors' opinions that sit lower. A king when he presides in council, let him beware how he opens his own inclination too much in that which he propoundeth: for else counsellors will but take the wind of him, and instead of giving free counsel, sing him a song of Placebo.

XXI. OF DELAYS.

Fortune is like the market, where many times if you can stay a little, the price will fall. And again, it is sometimes like Sibylla's offer, which at first offereth the commodity at full, then consumeth part and part, and still holdeth up the price. For occasion, as it is in the common verse, turneth a bald noddle, after she hath presented her locks in front, and no hold taken: or at least turneth the handle of the bottle first to be received, and after the belly, which is hard to clasp. There is surely no greater wisdom, than well to time the beginnings and onsets of things. Dangers are no more light, if they once seem light: and more dangers have deceived men, than forced them. Nay, it were better to meet some dangers half way, though they come nothing near, than to keep too long a watch upon their approaches: for if a man watch too long, it is odds he will fall asleep. On the other side, to be deceived with too long shadows, as some have been when the moon was low, and shone on their enemies' back, and so to shoot off before the time; or to teach dangers to come on, by over-early buckling towards them, is another extreme. The ripeness or unripeness of the occasion, as we said, must ever be well weighed; and generally it is good to commit the beginnings of all great actions to Argus with his hundred eyes, and the ends to Briareus with his hundred hands; first to watch, and then to speed. For the helmet of Pluto, which maketh the politic man go invisible, is secrecy in the counsel, and celerity in the execution. For when things are once come to the execution, there is no secrecy comparable to celerity; like the motion of a bullet in the air, which flieth so swift as it outruns the eye.

XXII. OF CUNNING.

We take cunning for a sinister or crooked wisdom. And certainly there is great difference between a cunning man and a wise man; not only in point of honesty, but in point of ability. There be that can pack the cards, and yet cannot play well; so there are some that are good in canvasses and factions, that are otherwise weak men. Again, it is one thing to understand persons, and another thing to understand matters; for many are perfect in men's humours, that are not greatly capable of the real part of business; which is the constitution of one that hath studied men more than books. Such men are fitter for practice than for counsel; and they are good but in their own alley: turn them to new men,

and they have lost their aim: so as the old rule to know a fool from a wise man, "Mitte ambos nudos ad ignotos, et videbis," doth scarce hold for them. And because these cunning men are like haberdashers of small wares, it is not amiss to set forth their shop.

It is a point of cunning, to wait upon him with whom you speak with your eye; as the Jesuits give it in precept; for there be many wise men that have secret hearts and transparent countenances. Yet this would be done with a demure abasing of your eye sometimes, as the Jesuits also do use.

Another is, that when you have any thing to obtain of present despatch, you entertain and amuse the party with whom you deal with some other discourse; that he be not too much awake to make objections. I knew a counsellor and secretary, that never came to queen Elizabeth of England with bills to sign, but he would always first put her into some discourse of estate, that she might the less mind the bills.

The like surprise may be made by moving things when the party is in haste, and cannot stay to consider advisedly of that is moved.

If a man would cross a business, that he doubts some other would handsomely and effectually move, let him pretend to wish it well, and move it himself in such sort as may foil it.

The breaking off in the midst of that one was about to say, as if he took himself up, breeds a greater appetite in him with whom you confer, to know more.

And because it works better when any thing seemeth to be gotten from you by question, than if you offer it of yourself, you may lay a bait for a question, by showing another visage and countenance than you are wont; to the end to give occasion for the party to ask what the matter is of the change; as Nehemiah did, "And I had not before that time been sad before the king."

In things that are tender and unpleasing, it is good to break the ice by some whose words are of less weight, and to reserve the more weighty voice to come in as by chance, so that he may be asked the question upon the other's speech; as Narcissus did, in relating to Claudius the marriage of Messalina and Silius.

In things that a man would not be seen in himself, it is a point of cunning to borrow the name of the world; as to say, The world says, or, There is a speech abroad.

I knew one, that when he wrote a letter, he would put that which was most material in the postscript, as if it had been a bye-matter.

I knew another that, when he came to have speech, he would pass over that that he intended most; and go forth, and come back again, and speak of it as of a thing that he had almost forgot.

Some procure themselves to be surprised at such times, as it is like the party that they work upon will suddenly come upon them; and to be found with a letter in their hand, or doing somewhat which they are not accustomed; to the end they may be apposed of those things, which of themselves they are desirous to utter.

It is a point of cunning to let fall those words in a man's own name, which he would have another man learn and use, and thereupon take advantage. I knew two that were competitors for the secretary's place in queen Elizabeth's time, and yet kept good quarter between themselves, and would confer one with another upon the business; and the one of them said, that to be a secretary in the declination of a monarchy was a ticklish thing, and that he did not affect it: the other straight caught up those words, and discoursed with divers of his friends, that he had no reason to desire to be secretary in the declination of a monarchy. The first man took hold of it, and found means it was told the queen; who hearing of a declination of monarchy, took it so ill, as she would never after hear of the other's suit.

There is a cunning which we in England call, the turning of the cat in the pan; which is, when that which a man says to another, he lays it as if another had said it to him; and to say truth, it is not easy, when such a matter passed between two, to make it appear from which of them it first moved and began.

It is a way that some men have, to glance and dart at others, by justifying themselves by negatives; as to say, This I do not: as Tigellinus did towards Burrhus, "se non diversas spes, sed incolumitatem imperatoris simpliciter spectare."

Some have in readiness so many tales and stories, as there is nothing they would insinuate, but they can wrap it into a tale; which serveth both to keep themselves more in guard, and to make others carry it with more pleasure.

It is a good point of cunning, for a man to shape the answer he would have in his own words and propositions; for it makes the other party stick the less.

It is strange how long some men will lie in wait to speak somewhat they desire to say; and how far about they will fetch, and how many other matters they will beat over to come near it; it is a thing of great patience, but yet of much use.

A sudden, bold, and unexpected question, doth many times surprise a man, and lay him open. Like to him, that having changed his name, and walking in Paul's, another suddenly came behind him, and called him by his true name, whereat straightways he looked back.

But these small wares and petty points of cunning are infinite, and it were a good deed to make a list of them; for that nothing doth more hurt in a state, than that cunning men pass for wise.

But certainly some there are that know the resorts and falls of business, that cannot sink into the main of it; like a house that hath convenient stairs and entries, but never a fair room. Therefore you shall see them find out pretty looses in the conclusion, but are no ways able to examine or debate matters. And yet commonly they take advantage of their inability, and would be thought wits of direction. Some build rather upon the abusing of others, and, as we now say, putting tricks upon them, than upon soundness

of their own proceedings. But Solomon saith, "Prudens advertit ad gressus suos: stultus divertit ad dolos."

XXIII. OF WISDOM FOR A MAN'S SELF.

An ant is a wise creature for itself: but it is a shrewd thing in an orchard or garden. And certainly men that are great lovers of themselves waste the public. Divide with reason between self-love and society; and be so true to thyself, as thou be not false to others; especially to thy king and country. It is a poor centre of a man's actions, Himself. It is right earth. For that only stands fast upon his own centre: whereas all things that have affinity with the heavens, move upon the centre of another which they benefit. The referring of all to a man's self is more tolerable in a sovereign prince, because themselves are not only themselves, but their good and evil is at the peril of the public fortune. But it is a desperate evil in a servant to a prince, or a citizen in a republic. For whatsoever affairs pass such a man's hands, he crooketh them to his own ends: which must needs be often eccentric to the ends of his master or state. Therefore let princes or states choose such servants as have not this mark; except they mean their service should be made but the accessary. That which maketh the effect more pernicious is, that all proportion is lost: it were disproportion enough for the servant's good to be preferred before the master's; but yet it is a greater extreme, when a little good of the servant shall carry things against a great good of the master's. And yet that is the case of bad officers, treasurers, ambassadors, generals, and other false and corrupt servants; which set a bias upon their bowl of their own petty ends and envies, to the overthrow of their master's great and important affairs. And for the most part, the good such servants receive, is after the model of their own fortune; but the hurt they sell for that good, is after the model of their master's fortune. And certainly it is the nature of extreme self-lovers, as they will set a house on fire, and it were but to roast their eggs: and yet these men many times hold credit with their masters, because their study is but to please them, and profit themselves: and for either respect they will abandon the good of their affairs.

Wisdom for a man's self is in many branches thereof a depraved thing. It is the wisdom of rats, that will be sure to leave a house somewhat before it fall. It is the wisdom of the fox, that thrusts out the badger, who digged and made room for him. It is the wisdom of crocodiles, that shed tears when they would devour. But that which is specially to be noted is, that those which, as Cicero says of Pompey, are "sui amantes sine rivali," are many times unfortunate. And whereas they have all their time sacrificed to themselves, they become in the end themselves sacrifices to the inconstancy of fortune, whose wings they thought by their self-wisdom to have pinioned.

XXIV. OF INNOVATIONS.

As the births of living creatures at first are ill shapen; so are all innovations, which are the births of time. Yet notwithstanding, as those that first bring honour into their family, are commonly more worthy than most that succeed; so the first precedent, if it be good, is seldom attained by imitation. For ill, to man's nature, as it stands perverted, hath a natural motion strongest in continuance; but good, as a forced motion, strongest at first. Surely every medicine is an innovation, and he that will not apply new remedies, must expect new evils; for time is the greatest innovator: and if time of course alter things to the worse, and wisdom and counsel shall not alter them to the better, what shall be the end? It is true, that what is settled by custom, though it be not good, yet at least it is fit. And those things which have long gone together, are, as it were, confederate within themselves: whereas new things piece not so well; but though they help by their utility, yet they trouble by their inconformity. Besides, they are like strangers, more admired, and less favoured. All this is true if time stood still; which contrariwise moveth so round, that a froward retention of custom is as turbulent a thing as an innovation; and they that reverence too much old times are but a scorn to the new. It were good, therefore, that men in their innovations would follow the example of time itself, which indeed innovateth greatly, but quietly and by degrees scarce to be perceived: for otherwise, whatsoever is new is unlooked for; and ever it mends some, and impairs others: and he that is holpen takes it for a fortune, and thanks the time; and he that is hurt, for a wrong, and imputeth it to the author. It is good also not to try experiments in states, except the necessity be urgent, or the utility evident; and well to beware that it be the reformation that draweth on the change; and not the desire of change that pretendeth the reformation. And lastly, that the novelty, though it be not rejected, yet be held for a suspect; and, as the Scripture saith, "that we make a stand upon the ancient way, and then look about us, and discover what is the straight and right way, and so to walk in it."

XXV. OF DESPATCH.

Affected despatch is one of the most dangerous things to business that can be. It is like that which the physicians call predigestion, or hasty digestion, which is sure to fill the body full of crudities and secret seeds of diseases. Therefore measure not despatch by the times of sitting, but by the advancement of the business. And as in races, it is not the large stride, or high lift, that makes the speed; so in business, the keeping close to the matter, and not taking of it too much at once, procureth despatch. It is the care of some, only to come off speedily for the time; or to contrive some false periods of business, because they may seem men of despatch. But it is one thing to abbreviate by contracting, an-

other by cutting off: and business so handled at several sittings or meetings, goeth commonly backward and forward in an unsteady manner. I knew a wise man that had it for a by-word, when he saw men hasten to a conclusion, "Stay a little, that we may make an end the sooner."

On the other side, true despatch is a rich thing. For time is the measure of business, as money is of wares; and business is bought at a dear hand, where there is small despatch. The Spartans and Spaniards have been noted to be of small despatch: "Mi venga la muerte de Spagna;" Let my death come from Spain; for then it will be sure to be long in coming.

Give good hearing to those that give the first information in business; and rather direct them in the beginning, than interrupt them in the continuance of their speeches: for he that is put out of his own order, will go forward and backward, and be more tedious while he waits upon his memory, than he could have been if he had gone on in his own course. But sometimes it is seen, that the moderator is more troublesome than the actor.

Iterations are commonly loss of time: but there is no such gain of time, as to iterate often the state of the question; for it chaseth away many a frivolous speech as it is coming forth. Long and curious speeches are as fit for despatch, as a robe or mantle with a long train is for race. Prefaces, and passages, and excusations, and other speeches of reference to the person, are great wastes of time; and though they seem to proceed of modesty, they are bravery. Yet beware of being too material, when there is any impediment or obstruction in men's wills: for pre-occupation of mind ever requireth preface of speech; like a fomentation to make the unguent enter.

Above all things, order and distribution, and singling out of parts, is the life of despatch: so as the distribution be not too subtile; for he that doth not divide will never enter well into business; and he that divideth too much, will never come out of it clearly. To choose time, is to save time; and unseasonable motion is but beating the air. There be three parts of business; the preparation, the debate or examination, and the perfection. Whereof, if you look for despatch, let the middle only be the work of many, and the first and last the work of few. The proceeding upon somewhat conceived in writing, doth for the most part facilitate despatch: for though it should be wholly rejected, yet that negative is more pregnant of direction than an indefinite; as ashes are more generative than dust.

XXVI. OF SEEMING WISE.

It hath been an opinion, that the French are wiser than they seem, and the Spaniards seem wiser than they are. But howsoever it be between nations, certainly it is so between man and man. For as the apostle saith of godliness, "having a show of godliness, but denying the power thereof;" so certainly there are in point of wisdom and sufficiency that to do nothing or little very solemnly; "magno conatu nugas." It is a ridiculous thing, and fit for a satire to persons of judgment, to see what shifts these formalists have, and what prospectives to make superficies to seem body that hath depth and bulk. Some are so close and reserved, as they will not show their wares but by a dark light; and seem always to keep back somewhat; and when they know within themselves they speak of that they do not well know, would nevertheless seem to others to know of that which they may not well speak. Some help themselves with countenance and gesture, and are wise by signs; as Cicero saith of Piso, that when he answered him, he fetched one of his brows up to his forehead, and bent the other down to his chin: "respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, crudelitatem tibi non placere." Some think to bear it by speaking a great word, and being peremptory; and go on, and take by admittance that which they cannot make good. Some, whatsoever is beyond their reach, will seem to despise or make light of it as impertinent or curious; and so would have their ignorance seem judgment. Some are never without a difference, and commonly by amusing men with a subtilty blanch the matter; of whom A. Gellius saith, "hominem delirum, qui verborum minutiis rerum frangit pondera." Of which kind also, Plato in his "Protagoras" bringeth in Prodicus in scorn, and maketh him make a speech that consisteth of distinctions from the beginning to the end. Generally such men in all deliberations find ease to be of the negative side, and affect a credit to object and foretell difficulties: for when propositions are denied, there is an end of them; but if they be allowed, it requireth a new work: which false point of wisdom is the bane of business. To conclude, there is no decaying merchant, or inward beggar, hath so many tricks to uphold the credit of their wealth, as these empty persons have to maintain the credit of their sufficiency. Seeming wise men may make shift to get opinion; but let no man choose them for employment, for certainly you were better take for business a man somewhat absurd, than over formal.

XXVII. OF FRIENDSHIP.

It had been hard for him that spake it to have put more truth and untruth together, in few words, than in that speech; "Whosoever is delighted in solitude, is either a wild beast, or a god." For it is most true, that a natural and secret hatred, and aversation towards society, in any men, hath somewhat of the savage beast: but it is most untrue, that it should have any character at all of the divine nature, except it proceed, not out of a pleasure in solitude, but out of a love and desire to sequester a man's self for a higher conversation: such as is found to have been falsely and feignedly in some of the heathen; as Epimenides the Candian, Numa the Roman, Empedocles the Sicilian, and Apollonius of Tyana; and truly and really in divers of the ancient hermits, and holy fathers of the church. But little do men perceive what solitude is, and how far it extendeth. For a crowd is not company, and faces

are but a gallery of pictures; and talk but a tinkling cymbal, where there is no love. The Latin adage meeteth with it a little; "Magna civitas, magna solitudo;" because in a great town friends are scattered, so that there is not that fellowship, for the most part, which is in less neighbourhoods. But we may go farther and affirm most truly, that it is a mere and miserable solitude, to want true friends, without which the world is but a wilderness. And even in this sense also of solitude, whosoever in the frame of his nature and affections is unfit for friendship, he taketh it of the beast, and not from humanity.

A principal fruit of friendship is the ease and discharge of the fulness and swellings of the heart, which passions of all kinds do cause and induce. We know diseases of stoppings and suffocations are the most dangerous in the body; and it is not much otherwise in the mind; you may take sarza to open the liver; steel to open the spleen; flour of sulphur for the lungs; castoreum for the brain; but no receipt openeth the heart but a true friend, to whom you may impart griefs, joys, fears, hopes, suspicions, counsels, and whatsoever lieth upon the heart, to oppress it, in a kind of civil shrift or confession.

It is a strange thing to observe, how high a rate great kings and monarchs do set upon this fruit of friendship, whereof we speak; so great, as they purchase it many times at the hazard of their own safety and greatness. For princes, in regard of the distance of their fortune from that of their subjects and servants, cannot gather this fruit, except, to make themselves capable thereof, they raise some persons to be as it were companions, and almost equals to themselves; which many times sorteth to inconvenience. The modern languages give unto such persons the name of favourites or privadoes; as if it were matter of grace or conversation: but the Roman name attaineth the true use and cause thereof; naming them "participes curarum;" for it is that which tieth the knot. And we see plainly, that this hath been done, not by weak and passionate princes only, but by the wisest and most politic that ever reigned, who have oftentimes joined to themselves some of their servants, whom both themselves have called friends, and allowed others likewise to call them in the same manner, using the word which is received between private men.

L. Sylla, when he commanded Rome, raised Pompey, after surnamed the Great, to that height, that Pompey vaunted himself for Sylla's over-match. For when he had the consulship for a friend of his against the pursuit of Sylla, and that Sylla did a little resent thereat, and began to speak great, Pompey turned upon him again, and in effect bade him be quiet; for that more men adored the sun rising, than the sun setting. With Julius Cæsar, Decimus Brutus had obtained that interest, as he set him down in his testament for heir in remainder after his nephew. And this was the man that had power with him to draw him forth to his death. For when Cæsar would have discharged the senate, in regard of some ill presages, and especially a dream of Calpurnia; this man lifted him gently by the arm out of his chair, telling him, He hoped he would not dismiss the senate, till his wife had dreamed a better dream. And it seemeth, his favour was so great, as Antonius, in a letter which is recited verbatim in one of Cicero's Philippics, calleth him "venefica," witch; as if he had enchanted Cæsar. Augustus raised Agrippa, though of mean birth, to that height, as when he consulted with Mæcenas about the marriage of his daughter Julia, Mæcenas took the liberty to tell him, That he must either marry his daughter to Agrippa, or take away his life; there was no third way, he had made him so great. With Tiberius Cæsar Sejanus had ascended to that height, as they two were termed and reckoned as a pair of friends. Tiberius in a letter to him saith; "Hæc pro amicitiâ nostrâ non occultavi:" and the whole senate dedicated an altar to friendship as to a goddess, in respect of the great dearness of friendship between them two. The like or more was between Septimius Severus and Plantianus. For he forced his eldest son to marry the daughter of Plantianus; and would often maintain Plantianus in doing affronts to his son: and did write also in a letter to the senate by these words: "I love the man so well, as I wish he may overlive me." Now if these princes had been as a Trajan or a Marcus Aurelius, a man might have thought that this had proceeded of an abundant goodness of nature; but being men so wise, of such strength and severity of mind, and so extreme lovers of themselves, as all these were; it proveth most plainly, that they found their own felicity, though as great as ever happened to mortal men, but as an half piece, except they might have a friend to make it entire; and yet, which is more, they were princes that had wives, sons, nephews; and yet all these could not supply the comfort of friendship.

It is not to be forgotten what Commineus observeth of his first master duke Charles the Hardy, namely, That he would communicate his secrets with none: and least of all those secrets which troubled him most. Whereupon he goeth on, and saith, That towards his latter time, that closeness did impair, and a little perish his understanding. Surely Commineus might have made the same judgment also if it had pleased him, of his second master Lewis the eleventh, whose closeness was indeed his tormentor. The parable of Pythagoras is dark, but true; "Cor ne edito," eat not the heart. "Certainly, if a man would give it a hard phrase, those that want friends to open themselves unto, are cannibals of their own hearts." But one thing is most admirable, wherewith I will conclude this first fruit of friendship, which is, that this communicating of a man's self to his friend works two contrary effects; for it redoubleth joys and cutteth griefs in halfs. For there is no man that imparteth his joys to his friend, but he joyeth the more; and no man that imparteth his griefs to his friend, but he grieveth the less. So that it is in truth of operation upon a man's mind of like virtue, as the alchemists use to attribute to their stone, for man's body; that it worketh all contrary effects, but still to the good and

benefit of nature. But yet, without praying in aid of alchemists, there is a manifest image of this in the ordinary course of nature. For in bodies, union strengtheneth and cherisheth any natural action; and on the other side, weakeneth and dulleth any violent impression; and even so is it of minds.

The second fruit of friendship is healthful and sovereign for the understanding, as the first is for the affections. For friendship maketh indeed a fair day in the affections, from storm and tempests; but it maketh day-light in the understanding, out of darkness and confusion of thoughts: neither is this to be understood only of faithful counsel, which a man receiveth from his friend; but before you come to that, certain it is, that whosoever hath his mind fraught with many thoughts, his wits and understanding do clarify and break up in the communicating and discoursing with another: he tosseth his thoughts more easily; he marshalleth them more orderly; he seeth how they look when they are turned into words; finally, he waxeth wiser than himself; and that more by an hour's discourse, than by a day's meditation. It was well said by Themistocles to the king of Persia, That speech was like cloth of Arras, opened and put abroad, whereby the imagery doth appear in figure; whereas in thoughts they lie but as in packs. Neither is this second fruit of friendship, in opening the understanding, restrained only to such friends, as are able to give a man counsel: they indeed are best: but even, without that, a man learneth of himself and bringeth his own thoughts to light, and whetteth his wits as against a stone, which itself cuts not. In a word; a man were better relate himself to a statue or picture, than to suffer his thoughts to pass in smother.

Add now, to make this second fruit of friendship complete, that other point which lieth more open, and falleth within vulgar observation; which is faithful counsel from a friend. Heraclitus saith well in one of his ænigmas, Dry light is ever the best. And certain it is, that the light that a man receiveth by counsel from another, is drier and purer, than that which cometh from his own understanding and judgment; which is ever infused and tinctured in his affections and customs. So as there is as much difference between the counsel that a friend giveth, and that a man giveth himself, as there is between the counsel of a friend, and of a flatterer. For there is no such flatterer as is a man's self; and there is no such remedy against flattery of a man's self, as the liberty of a friend. Counsel is of two sorts; the one concerning manners, the other concerning business. For the first, the best preservative to keep the mind in health, is the faithful admonition of a friend. The calling a man's self to a strict account, is a medicine sometimes too piercing and corrosive. Reading good books of morality, is a little flat and dead. Observing our faults in others, is sometimes improper for our case: but the best receipt, best, I say, to work, and least to take, is the admonition of a friend. It is a strange thing to behold what gross errors and extreme absurdities many, especially of the greater sort, do commit for want of a friend to tell them of them; to the great damage both of their fame and fortune. For, as St. James saith, they are as men "that look sometimes into a glass, and presently forget their own shape and favour." As for business, a man may think if he will, that two eyes see no more than one; or that a gamester seeth always more than a looker-on; or that a man in anger is as wise as he that hath said over the four and twenty letters; or that a musket may be shot off, as well upon the arm, as upon a rest; and such other fond and high imaginations, to think himself all in all. But when all is done, the help of good counsel is that which setteth business straight. And if any man think, that he will take counsel, but it shall be by pieces; asking counsel in one business of one man, and in another business of another man; it is well, that is to say, better perhaps than if he asked none at all, but he runneth two dangers: one, that he shall not be faithfully counselled; for it is a rare thing, except it be from a perfect and entire friend, to have counsel given, but such as shall be bowed and crooked to some ends which he hath that giveth it. The other, that he shall have counsel given, hurtful and unsafe, though with good meaning, and mixed partly of mischief, and partly of remedy: even as if you would call a physician that is thought good for the cure of the disease you complain of, but is unacquainted with your body; and therefore may put you in way for a present cure, but overthroweth your health in some other kind, and so cure the disease and kill the patient. But a friend that is wholly acquainted with a man's estate, will beware by farthering any present business how he dasheth upon other inconvenience. And therefore rest not upon scattered counsels; they will rather distract and mislead, than settle and direct.

After these two noble fruits of friendship, peace in the affections, and support of the judgment, followeth the last fruit, which is like the pomegranate, full of many kernels; I mean aid, and bearing a part in all actions and occasions. Here the best way to represent to life the manifold use of friendship, is to cast and see how many things there are which a man cannot do himself; and then it will appear that it was a sparing speech of the ancients to say, That a friend is another himself; for that a friend is far more than himself. Men have their time, and die many times in desire of some things which they principally take to heart; the bestowing of a child, the finishing of a work, or the like. If a man have a true friend, he may rest almost secure, that the care of those things will continue after him. So that a man hath as it were two lives in his desires. A man hath a body, and that body is confined to a place; but where friendship is, all offices of life are as it were granted to him and his deputy: for he may exercise them by his friend. How many things are there, which a man cannot, with any face or comeliness, say or do himself? A man can scarce allege his own merits with modesty, much less extol them: a man cannot sometimes brook to supplicate or beg; and a number of the like. But all these things are graceful in a friend's

mouth, which are blushing in a man's own. So again, a man's person hath many proper relations, which he cannot put off. A man cannot speak to his son, but as a father; to his wife, but as a husband; to his enemy, but upon terms; whereas a friend may speak as the case requires, and not as it sorteth with the person. But to enumerate these things were endless; I have given the rule, where a man cannot fitly play his own part; if he have not a friend, he may quit the stage.

XXVIII. OF EXPENSE.

Riches are for spending; and spending for honour and good actions. Therefore extraordinary expense must be limited by the worth of the occasion; for voluntary undoing may be as well for a man's country, as for the kingdom of heaven. But ordinary expense ought to be limited by a man's estate, and governed with such regard as it be within his compass; and not subject to deceit and abuse of servants; and ordered to the best show, that the bills may be less than the estimation abroad. Certainly if a man will keep but of even hand, his ordinary expenses ought to be but to the half of his receipts; and if he think to wax rich, but to the third part. It is no baseness for the greatest, to descend and look into their own estate. Some forbear it, not upon negligence alone, but doubting to bring themselves into melancholy, in respect they shall find it broken. But wounds cannot be cured without searching. He that cannot look into his own estate at all, had need both choose well those whom he employeth, and change them often: for new are more timorous and less subtile. He that can look into his estate but seldom, it behoveth him to turn all to certainties. A man had need, if he be plentiful in some kind of expense, to be as saving again in some other. As if he be plentiful in diet, to be saving in apparel: if he be plentiful in the hall, to be saving in the stable: and the like. For he that is plentiful in expenses of all kinds, will hardly be preserved from decay. In clearing of a man's estate, he may as well hurt himself in being too sudden, as in letting it run on too long: for hasty selling is commonly as disadvantageable as interest. Besides, he that clears at once will relapse; for finding himself out of straits, he will revert to his customs; but he that cleareth by degrees induceth a habit of frugality, and gaineth as well upon his mind as upon his estate. Certainly, who hath a state to repair, may not despise small things: and commonly it is less dishonourable to abridge petty charges, than to stoop to petty gettings. A man ought warily to begin charges, which once begun will continue; but in matters that return not, he may be more magnificent.

XXIX. OF THE TRUE GREATNESS OF KINGDOMS AND ESTATES.

The speech of Themistocles the Athenian, which was haughty and arrogant in taking so much to himself, had been a grave and wise observation and censure, applied at large to others. Desired at a feast to touch a lute, he said, He could not fiddle, but yet he could make a small town a great city. These words, holpen a little with a metaphor, may express two differing abilities in those that deal in business of estate. For if a true survey be taken of counsellors and statesmen, there may be found, though rarely, those which can make a small state great, and yet cannot fiddle; as on the other side, there will be found a great many that can fiddle very cunningly, but yet are so far from being able to make a small state great, as their gift lieth the other way; to bring a great and flourishing estate to ruin and decay. And certainly those degenerate arts and shifts, whereby many counsellors and governors gain both favour with their masters, and estimation with the vulgar, deserve no better name than fiddling; being things rather pleasing for the time, and graceful to themselves only, than tending to the weal and advancement of the state which they serve. There are also, no doubt, counsellors and governors which may be held sufficient, negotiis pares, able to manage affairs, and to keep them from precipices and manifest inconveniences, which nevertheless are far from the ability to raise and amplify an estate, in power, means, and fortune. But be the workmen what they may be, let us speak of the work; that is, the true greatness of kingdoms and estates, and the means thereof. An argument fit for great and mighty princes to have in their hand; to the end that neither by over-measuring their forces they lose themselves in vain enterprises: nor on the other side, by undervaluing them, they descend to fearful and pusillanimous counsels.

The greatness of an estate in bulk and territory doth fall under measure, and the greatness of finances and revenue doth fall under computation. The population may appear by musters; and the number and greatness of cities and towns by cards and maps. But yet there is not any thing amongst civil affairs more subject to error, than the right valuation and true judgment concerning the power and forces of an estate. The kingdom of heaven is compared, not to any great kernel or nut, but to a grain of mustard-seed; which is one of the least grains, but hath in it a property and spirit hastily to get up and spread. So are there states, great in territory, and yet not apt to enlarge or command; and some that have but a small dimension of stem; and yet apt to be the foundations of great monarchies.

Walled towns, stored arsenals and armouries, goodly races of horse, chariots of war, elephants, ordnance, artillery, and the like: all this is but a sheep in a lion's skin, except the breed and disposition of the people be stout and warlike. Nay, number itself, in armies, importeth not much, where the people is of weak courage; for, as Virgil saith, it never troubles a wolf how many the sheep be. The army of the Persians, in the plains of Arbela, was such a vast sea of people, as it did somewhat astonish the commanders in Alexander's army: who came to him therefore, and wished him to set upon them by night; but he answered he would not

pilfer the victory: and the defeat was easy.* When Tigranes the Armenian, being encamped upon a hill with four hundred thousand men, discovered the army of the Romans, being not above fourteen thousand, marching towards him; he made himself merry with it, and said, "Yonder men are too many for an embassage, and too few for a fight." But before the sun set, he found them enow to give him the chase, with infinite slaughter. Many are the examples of the great odds between number and courage: so that a man may truly make a judgment, that the principal point of greatness in any state is to have a race of military men. Neither is money the sinews of war, as it is trivially said, where the sinews of men's arms, in base and effeminate people, are failing. For Solon said well to Crœsus, when in ostentation he showed him his gold, "Sir, if any other come that hath better iron than you, he will be master of all this gold." Therefore let any prince or state think soberly of his forces, except his militia of natives be of good and valiant soldiers. And let princes, on the other side, that have subjects of martial disposition, know their own strength, unless they be otherwise wanting unto themselves. As for mercenary forces, which is the help in this case, all examples show, that whatsoever estate or prince doth rest upon them, he may spread his feathers for a time, but he will mew them soon after.

The blessing of Judah and Issachar will never meet; that the same people or nation should be both the lion's whelp, and the ass between burdens. Neither will it be, that a people over-laid with taxes should ever become valiant and martial. It is true, that taxes levied by consent of the estate, do abate men's courage less; as it hath been seen notably in the excises of the Low Countries; and, in some degree, in the subsidies of England. For you must note, that we speak now of the heart, and not of the purse. So that although the same tribute and tax, laid by consent, or by imposing, be all one to the purse, yet it works diversly upon the courage. So that you may conclude, that no people overcharged with tribute is fit for empire.

Let states that aim at greatness, take heed how their nobility and gentlemen do multiply too fast; for that maketh the common subject grow to be a peasant and base swain, driven out of heart, and in effect but the gentleman's labourer. Even as you may see in coppice woods; if you leave your staddles too thick, you shall never have clean underwood, but shrubs and bushes. So in countries, if the gentlemen be too many, the commons will be base; and you will bring it to that, that not the hundredth poll will be fit for an helmet; especially as to the infantry, which is the nerve of an army: and so there will be great population, and little strength. This which I speak of, hath been no where better seen, than by comparing of England and France; whereof England, though far less in territory and population, hath been, nevertheless, an overmatch; in regard the middle people of England make good soldiers, which the peasants of France do not. And herein the device of king Henry the seventh, whereof I have spoken largely in the history of his life, was profound and admirable; in making farms and houses of husbandry of a standard; that is, maintained with such a proportion of land unto them, as may breed a subject to live in convenient plenty, and no servile condition; and to keep the plough in the hands of the owners, and not mere hirelings. And thus indeed you shall attain to Virgil's character, which he gives to ancient Italy:

"Terra potens armis, atque ubere glebæ."

Neither is that state, which, for any thing I know, is almost peculiar to England, and hardly to be found any where else, except it be perhaps in Poland, to be passed over; I mean the state of free servants, and attendants upon noblemen and gentlemen, which are no ways inferior unto the yeomanry for arms: and therefore out of all question, the splendour and magnificence, and great retinues, and hospitality of noblemen and gentlemen, received into custom, do much conduce unto martial greatness: whereas, contrariwise, the close and reserved living of noblemen and gentlemen causeth a penury of military forces.

By all means it is to be procured, that the trunk of Nebuchadnezzar's tree of monarchy be great enough to bear the branches and the boughs; that is, that the natural subjects of the crown or state bear a sufficient proportion to the stranger subjects that they govern. Therefore all states, that are liberal of naturalization towards strangers, are fit for empire. For to think that a handful of people can, with the greatest courage and policy in the world, embrace too large extent of dominion, it may hold for a time, but it will fail suddenly. The Spartans were a nice people in point of naturalization; whereby, while they kept their compass, they stood firm; but when they did spread, and their boughs were become too great for their stem, they became a windfall upon the sudden. Never any state was, in this point, so open to receive strangers into their body, as were the Romans; therefore it sorted with them accordingly, for they grew to the greatest monarchy. Their manner was to grant naturalization, which they called "jus civitatis," and to grant it in the highest degree, that is, not only "jus commercii, jus connubii, jus hereditatis;" but also, "jus suffragii," and "jus honorum:" and this not to singular persons alone, but likewise to whole families; yea, to cities, and sometimes to nations. Add to this, their custom of plantation of colonies, whereby the Roman plant was removed into the soil of other nations: and putting both constitutions together, you will say, that it was not the Romans that spread upon the world, but it was the world that spread upon the Romans: and that was the sure way of greatness. I have marvelled sometimes at Spain, how they clasp and contain so large dominions, with so few natural Spaniards: but sure the whole compass of Spain is a very great body of a tree, far above Rome and Sparta at the first. And besides, though they have not had that usage, to naturalize liberally, yet they have that which is next to it; that is, to employ, almost indifferently, all nations in their militia of ordinary soldiers; yea, and sometimes in their highest commands. Nay, it seemeth at this instant, they

are sensible of this want of natives; as by the pragmatical sanction, now published, appeareth.

It is certain, that sedentary and within-door arts, and delicate manufactures, that require rather the finger than the arm, have in their nature a contrariety to a military disposition. And generally all warlike people are a little idle, and love danger better than travail: neither must they be too much broken of it, if they shall be preserved in vigour. Therefore it was great advantage in the ancient states of Sparta, Athens, Rome, and others, that they had the use of slaves, which commonly did rid those manufactures. But that is abolished, in greatest part, by the christian law. That which cometh nearest to it, is, to leave those arts chiefly to strangers, which for that purpose are the more easily to be received, and to contain the principal bulk of the vulgar natives within those three kinds; tillers of the ground, free-servants, and handicraftsmen of strong and manly arts, as smiths, masons, carpenters, &c. not reckoning professed soldiers.

But above all, for empire and greatness, it importeth most, that a nation do profess arms as their principal honour, study, and occupation. For the things which we formerly have spoken of, are but habilitations towards arms; and what is habilitation without intention and act? Romulus, after his death, as they report or feign, sent a present to the Romans, that above all they should intend arms, and then they should prove the greatest empire of the world. The fabric of the state of Sparta was wholly, though not wisely, framed and composed to that scope and end. The Persians and Macedonians had it for a flash. The Gauls, Germans, Goths, Saxons, Normans, and others, had it for a time. The Turks have it at this day, though in great declination. Of christian Europe they that have it, are in effect only the Spaniards. But it is so plain, that every man profiteth in that he most intendeth, that it needeth not to be stood upon. It is enough to point at it; that no nation, which doth not directly profess arms, may look to have greatness fall into their mouths. And on the other side, it is a most certain oracle of time, that those states that continue long in that profession, as the Romans and Turks principally have done, do wonders: and those that have professed arms but for an age, have notwithstanding commonly attained that greatness in that age, which maintained them long after, when their profession and exercise of arms hath grown to decay.

Incident to this point is, for a state to have those laws or customs, which may reach forth unto them just occasions, as may be pretended, of war. For there is that justice imprinted in the nature of men, that they enter not upon wars, whereof so many calamities do ensue, but upon some, at the least specious, grounds and quarrels. The Turk hath at hand, for cause of war, the propagation of his law or sect; a quarrel that he may always command. The Romans, though they esteemed the extending the limits of their empire to be great honour to their generals, when it was done; yet they never rested upon that alone to begin a war. First therefore, let nations that pretend to greatness have this, that they be sensible of wrongs, either upon borderers, merchants, or politic ministers; and that they sit not too long upon a provocation. Secondly, let them be pressed and ready to give aids and succours to their confederates; as it ever was with the Romans: insomuch, as if the confederates had leagues defensive with divers other states, and, upon invasion offered, did implore their aids severally, yet the Romans would ever be the foremost, and leave it to none other to have the honour. As for the wars, which were anciently made on the behalf of a kind of party, or tacit conformity of estate, I do not see how they may be well justified; as when the Romans made a war for the liberty of Græcia; or when the Lacedæmonians and Athenians made wars, to set up or pull down democracies and oligarchies; or when wars were made by foreigners, under the pretence of justice or protection, to deliver the subjects of others from tyranny and oppression; and the like. Let it suffice, that no estate expect to be great, that is not awake upon any just occasion of arming.

No body can be healthful without exercise, neither natural body nor politic: and certainly, to a kingdom or estate, a just and honourable war is the true exercise. A civil war, indeed, is like the heat of a fever; but a foreign war is like the heat of exercise, and serveth to keep the body in health. For in a slothful peace, both courages will effeminate, and manners corrupt. But howsoever it be for happiness without all question, for greatness it maketh, to be still, for the most part, in arms: and the strength of a veteran army, though it be a chargeable business, always on foot, is that which commonly giveth the law, or at least the reputation, amongst all neighbour states, as may well be seen in Spain; which hath had, in one part or other, a veteran army, almost continually, now by the space of six-score years.

To be master of the sea, is an abridgement of a monarchy. Cicero, writing to Atticus of Pompey his preparation against Cæsar, saith, "Consilium Pompeii plane Themistocleum est; putat enim, qui mari potitur, eum rerum potiri." And without doubt Pompey had tired out Cæsar, if upon vain confidence he had not left that way. We see the great effects of battles by sea. The battle of Actium decided the empire of the world. The battle of Lepanto arrested the greatness of the Turk. There be many examples, where sea fights have been final to the war; but this is, when princes or states have set up their rest upon the battles. But thus much is certain; that he that commands the sea is at great liberty, and may take as much and as little of the war as he will. Whereas those that be strongest by land are many times, nevertheless, in great straits. Surely, at this day, with us of Europe, the vantage of strength at sea, which is one of the principal dowries of this kingdom of Great Britain, is great: both because most of the kingdoms of Europe are not merely inland, but girt with the sea, most part of their compass; and because the wealth of both Indies seems in great part but an accessary to the command of the seas.

The wars of latter ages seem to be made in the

dark, in respect of the glory and honour which reflected upon men from the wars in ancient time. There be now, for martial encouragement, some degrees and orders of chivalry, which nevertheless are conferred promiscuously upon soldiers and no soldiers: and some remembrance perhaps upon the escutcheon, and some hospitals for maimed soldiers, and such like things. But in ancient times, the trophies erected upon the place of the victory; the funeral laudatives and monuments for those that died in the wars; the crowns and garlands personal; the style of emperor, which the great kings of the world after borrowed; the triumphs of the generals upon their return; the great donatives and largesses upon the disbanding of the armies, were things able to inflame all men's courages; but above all, that of the triumph, among the Romans, was not pageants or gaudery, but one of the wisest and noblest institutions that ever was. For it contained three things; honour to the general; riches to the treasury out of the spoils; and donatives to the army. But that honour, perhaps, were not fit for monarchies; except it be in the person of the monarch himself, or his sons: as it came to pass in the times of the Roman emperors, who did impropriate the actual triumphs to themselves and their sons, for such wars as they did achieve in person; and left only, for wars achieved by subjects, some triumphal garments and ensigns to the general.

To conclude: no man can, by care taking, as the Scripture saith, add a cubit to his stature, in this little model of a man's body: but in the great frame of kingdoms and commonwealths, it is in the power of princes or estates, to add amplitude and greatness to their kingdoms. For by introducing such ordinances, constitutions, and customs, as we have now touched, they may sow greatness to their posterity and succession. But these things are commonly not observed, but left to take their chance.

XXX. OF REGIMENT OF HEALTH.

There is a wisdom in this beyond the rules of physic: a man's own observation, what he finds good of, and what he finds hurt of, is the best physic to preserve health. But it is a safer conclusion to say this, "This agreeth not well with me, therefore I will not continue it;" than this, "I find no offence of this, therefore I may use it." For strength of nature in youth passeth over many excesses, which are owing a man till his age. Discern of the coming on of years, and think not to do the same things still; for age will not be defied. Beware of sudden change in any great point of diet, and if necessity enforce it, fit the rest to it. For it is a secret both in nature and state, that it is safer to change many things than one. Examine thy customs of diet, sleep, exercise, apparel, and the like; and try in any thing thou shalt judge hurtful, to discontinue it by little and little; but so, as if thou dost find any inconvenience by the change, thou come back to it again; for it is hard to distinguish that which is generally held good and wholesome, from that which is good particularly, and fit for thine own body. To be free-minded and cheerfully disposed, at hours of meat, and of sleep, and of exercise, is one of the best precepts of long lasting. As for the passions and studies of the mind, avoid envy, anxious fears, anger, fretting inwards, subtile and knotty inquisitions, joys and exhilarations in excess, sadness not communicated. Entertain hopes, mirth rather than joy, variety of delights rather than surfeit of them; wonder and admiration, and therefore novelties; studies that fill the mind with splendid and illustrious objects, as histories, fables, and contemplations of nature. If you fly physic in health altogether, it will be too strange for your body when you shall need it. If you make it too familiar, it will work no extraordinary effect when sickness cometh. I commend rather some diet for certain seasons, than frequent use of physic, except it be grown into a custom. For those diets alter the body more, and trouble it less. Despise no new accident in your body, but ask opinion of it. In sickness respect health principally: and in health, action. For those that put their bodies to endure in health, may in most sicknesses, which are not very sharp, be cured only with diet and tendering. Celsus could never have spoken it as a physician, had he not been a wise man withal; when he giveth it for one of the great precepts of health and lasting, that a man do vary and interchange contraries; but with an inclination to the more benign extreme. Use fasting and full eating, but rather full eating; watching and sleep, but rather sleep; sitting and exercise, but rather exercise, and the like. So shall nature be cherished, and yet taught masteries. Physicians are some of them so pleasing and conformable to the humour of the patient, as they press not the true cure of the disease; and some other are so regular in proceeding according to art for the disease, as they respect not sufficiently the condition of the patient. Take one of a middle temper; or if it may not be found in one man, combine two of either sort; and forget not to call as well the best acquainted with your body, as the best reputed of for his faculty.

XXXI. OF SUSPICION.

Suspicions amongst thoughts, are like bats amongst birds, they ever fly by twilight. Certainly they are to be repressed, or at the least well guarded: for they cloud the mind, they lose friends, and they check with business, whereby business cannot go on currently and constantly. They dispose kings to tyranny, husbands to jealousy, wise men to irresolution and melancholy. They are defects not in the heart, but in the brain; for they take place in the stoutest natures; as in the example of Henry the Seventh of England; there was not a more suspicious man, nor a more stout. And in such a composition they do small hurt. For commonly they are not admitted but with examination, whether they be likely or no? But in fearful natures they gain ground too fast. There is nothing makes a man suspect much, more than to know little: and therefore men should remedy suspicion, by procuring

to know more, and not to keep their suspicions in smother. What would men have? Do they think those they employ and deal with are saints? Do they not think they will have their own ends, and be truer to themselves than to them? Therefore there is no better way to moderate suspicions, than to account upon such suspicions as true, and yet to bridle them as false: for so far a man ought to make use of suspicions, as to provide, as if that should be true that he suspects, yet it may do him no hurt. Suspicions that the mind of itself gathers are but buzzes; but suspicions that are artificially nourished, and put into men's heads by the tales and whisperings of others, have stings. Certainly the best mean to clear the way in this same wood of suspicions, is frankly to communicate them with the party that he suspects; for thereby he shall be sure to know more of the truth of them than he did before; and withal shall make that party more circumspect not to give farther cause of suspicion. But this would not be done to men of base natures: for they, if they find themselves once suspected, will never be true. The Italian says, "Sospetto licentia fede;" as if suspicion did give a passport to faith; but it ought rather to kindle it to discharge itself.

XXXII. OF DISCOURSE.

Some in their discourse desire rather commendation of wit, in being able to hold all arguments, than of judgment in discerning what is true; as if it were a praise to know what might be said, and not what should be thought. Some have certain common-places and themes, wherein they are good, and want variety: which kind of poverty is for the most part tedious, and, when it is once perceived, ridiculous. The honourablest part of talk is to give the occasion; and again, to moderate, and pass to somewhat else; for then a man leads the dance. It is good in discourse and speech of conversation to vary, and intermingle speech of the present occasion with arguments; tales with reasons; asking of questions with telling of opinions; and jest with earnest; for it is a dull thing to tire, and, as we say now, to jade any thing too far. As for jest, there be certain things which ought to be privileged from it; namely, religion, matters of state, great persons, any man's present business of importance, and any case that deserveth pity. Yet there be some that think their wits have been asleep, except they dart out somewhat that is piquant, and to the quick: that is a vein which would be bridled;

"Parce, puer, stimulis, et fortius utere loris."

And generally men ought to find the difference between saltness and bitterness. Certainly he that hath a satirical vein, as he maketh others afraid of his wit, so he had need be afraid of others' memory. He that questioneth much shall learn much, and content much; but especially if he apply his questions to the skill of the persons whom he asketh; for he shall give them occasion to please themselves in speaking, and himself shall continually gather knowledge. But let his questions not be troublesome, for that is fit for a poser. And let him be sure to leave other men their turns to speak. Nay, if there be any that would reign, and take up all the time, let him find means to take them off, and bring others on; as musicians use to do with those that dance too long galliards. If you dissemble sometimes your knowledge of that you are thought to know, you shall be thought another time to know that you know not. Speech of a man's self ought to be seldom, and well chosen. I knew one was wont to say in scorn, "He must needs be a wise man, he speaks so much of himself;" and there is but one case wherein a man may commend himself with good grace, and that is in commending virtue in another; especially if it be such a virtue whereunto himself pretendeth. Speech of touch towards others should be sparingly used: for discourse ought to be as a field, without coming home to any man. I knew two noblemen of the west part of England, whereof the one was given to scoff, but kept ever royal cheer in his house; the other would ask of those that had been at the other's table, "Tell truly, was there never a flout or dry blow given?" To which the guest would answer, Such and such a thing passed. The lord would say, "I thought he would mar a good dinner." Discretion of speech is more than eloquence; and to speak agreeably to him with whom we deal, is more than to speak in good words, or in good order. A good continued speech, without a good speech of interlocution, shows slowness: and a good reply, or second speech, without a good settled speech, showeth shallowness and weakness. As we see in beasts, that those that are weakest in the course, are yet nimblest in the turn: as it is betwixt the greyhound and the hare. To use too many circumstances ere one come to the matter, is wearisome; to use none at all, is blunt.

XXXIII. OF PLANTATIONS.

Plantations are amongst ancient, primitive, and heroical works. When the world was young, it begat more children; but now it is old, it begets fewer: for I may justly account new plantations to be the children of former kingdoms. I like a plantation in a pure soil; that is, where people are not displanted to the end to plant in others. For else it is rather an extirpation, than a plantation. Planting of countries is like planting of woods; for you must make account to lose almost twenty years profit, and expect your recompence in the end. For the principal thing that hath been the destruction of most plantations, hath been the base and hasty drawing of profit in the first years. It is true, speedy profit is not to be neglected, as far as may stand with the good of the plantation, but no farther. It is a shameful and unblessed thing, to take the scum of people, and wicked condemned men, to be the people with whom you plant; and not only so, but it spoileth the plantation; for they will ever live like rogues, and not fall to work, but be lazy, and do mischief, and spend victuals, and be quickly weary, and then certify over to their country

to the discredit of the plantation. The people wherewith you plant ought to be gardeners, ploughmen, labourers, smiths, carpenters, joiners, fishermen, fowlers, with some few apothecaries, surgeons, cooks, and bakers. In a country of plantation, first look about what kind of victual the country yields of itself to hand; as chestnuts, walnuts, pine-apples, olives, dates, plumbs, cherries, wild honey, and the like, and make use of them. Then consider what victual or esculent things there are, which grow speedily and within the year; as parsnips, carrots, turnips, onions, radishes, artichokes of Jerusalem, maiz, and the like. For wheat, barley, and oats, they ask too much labour: but with peas and beans you may begin; both because they ask less labour, and because they serve for meat, as well as for bread. And of rice likewise cometh a great increase, and it is a kind of meat. Above all, there ought to be brought store of biscuit, oatmeal, flour, meal, and the like, in the beginning, till bread may be had. For beasts or birds, take chiefly such as are least subject to diseases, and multiply fastest: as swine, goats, cocks, hens, turkeys, geese, house-doves, and the like. The victual in plantations ought to be expended almost as in a besieged town; that is, with certain allowance. And let the main part of the ground employed to gardens or corn be to a common stock; and to be laid in, and stored up, and then delivered out in proportion; besides some spots of ground that any particular person will manure for his own private use. Consider likewise what commodities the soil where the plantation is doth naturally yield, that they may some way help to defray the charge of the plantation: so it be not, as was said, to the untimely prejudice of the main business; as it hath fared with tobacco in Virginia. Wood commonly aboundeth but too much: and therefore timber is fit to be one. If there be iron ore, and streams whereupon to set the mills; iron is a brave commodity where wood aboundeth. Making of bay-salt, if the climate be proper for it, would be put in experience. Growing silk likewise, if any be, is a likely commodity. Pitch and tar, where store of firs and pines are, will not fail. So drugs and sweet woods, where they are, cannot but yield great profit. Soap-ashes, likewise, and other things that may be thought of. But moil not too much under ground; for the hope of mines is very uncertain, and useth to make the planters lazy in other things. For government, let it be in the hands of one assisted with some counsel: and let them have commission to exercise martial laws with some limitation. And above all, let men make that profit of being in the wilderness, as they have God always, and his service, before their eyes. Let not the government of the plantation depend upon too many counsellors and undertakers in the country that planteth, but upon a temperate number; and let those be rather noblemen and gentlemen, than merchants; for they look ever to the present gain. Let there be freedoms from custom, till the plantation be of strength: and not only freedom from custom, but freedom to carry their commodities where they may make their best of them, except there be some special cause of caution. Cram not in people, by sending too fast company after company; but rather hearken how they waste, and send supplies proportionably; but so as the number may live well in the plantation, and not by surcharge be in penury. It hath been a great endangering to the health of some plantations, that they have built along the sea and rivers, in marish and unwholesome grounds. Therefore though you begin there to avoid carriage, and other like discommodities, yet build still rather upwards from the streams, than along. It concerneth likewise the health of the plantation, that they have good store of salt with them, that they may use it in their victuals when it shall be necessary. If you plant where savages are, do not only entertain them with trifles and gingles; but use them justly and graciously, with sufficient guard nevertheless: and do not win their favour by helping them to invade their enemies; but for their defence it is not amiss. And send oft of them over to the country that plants, that they may see a better condition than their own, and commend it when they return. When the plantation grows to strength, then it is time to plant with women as well as men; that the plantation may spread into generations, and not be ever pieced from without. It is the sinfullest thing in the world to forsake or destitute a plantation once in forwardness: for besides the dishonour, it is the guiltiness of blood of many commiserable persons.

XXXIV. OF RICHES.

I cannot call riches better than the baggage of virtue. The Roman word is better, "impedimenta." For as the baggage is to an army, so are riches to virtue. It cannot be spared, nor left behind, but it hindereth the march; yea, and the care of it sometimes loseth or disturbeth the victory. Of great riches there is no real use, except it be in the distribution; the rest is but conceit. So saith Solomon: "Where much is, there are many to consume it; and what hath the owner, but the sight of it with his eyes?" The personal fruition in any man, cannot reach to feel great riches: there is a custody of them; or a power of dole and donative of them; or a fame of them; but no solid use to the owner. Do you not see what feigned prices are set upon little stones and rarities? And what works of ostentation are undertaken, because there might seem to be some use of great riches? But then you will say, they may be of use, to buy men out of dangers or troubles. As Solomon saith, "Riches are as a strong hold in the imagination of the rich man." But this is excellently expressed, that it is in imagination, and not always in fact. For certainly great riches have sold more men than they have bought out. Seek not proud riches, but such as thou mayest get justly, use soberly, distribute cheerfully, and leave contentedly. Yet have no abstract nor friarly contempt of them: but distinguish, as Cicero saith well of Rabirius Posthumus; "in studio rei amplificandæ apparebat, non avaritiæ prædam, sed instrumentum bonitati quæri." Hearken also to Solomon, and beware of hasty gathering of riches: "Qui festinat ad

divitias, non erit insons." The poets feign, that when Plutus, which is riches, is sent from Jupiter, he limps, and goes slowly; but when he is sent from Pluto, he runs, and is swift of foot: meaning, that riches gotten by good means and just labour, pace slowly; but when they come by the death of others, as by the course of inheritance, testaments, and the like, they come tumbling upon a man. But it might be applied likewise to Pluto, taking him for the devil. For when riches come from the devil, as by fraud, and oppression, and unjust means, they come upon speed. The ways to enrich are many, and most of them foul. Parsimony is one of the best, and yet is not innocent: for it withholdeth men from works of liberality and charity. The improvement of the ground is the most natural obtaining of riches; for it is our great mother's blessing, the earth's; but it is slow. And yet, where men of great wealth do stoop to husbandry, it multiplieth riches exceedingly. I knew a nobleman in England that had the greatest audits of any man in my time: a great grazier, a great sheep-master, a great timber-man, a great collier, a great corn-master, a great lead-man; and so of iron, and a number of the like points of husbandry: so as the earth seemed a sea to him, in respect of the perpetual importation. It was truly observed by one, that himself came very hardly to a little riches, and very easily to great riches. For when a man's stock is come to that, that he can expect the prime of markets, and overcome those bargains, which for their greatness are few men's money, and be partner in the industries of young men, he cannot but increase mainly. The gains of ordinary trades and vocations are honest, and farthered by two things, chiefly, by diligence, and by a good name for good and fair dealing. But the gains of bargains are of a more doubtful nature, when men should wait upon others' necessity; broke by servants and instruments to draw them on; put off others cunningly that would be better chapmen, and the like practices, which are crafty and naught. As for the chopping of bargains, when a man buys, not to hold, but to sell over again, that commonly grindeth double, both upon the seller, and upon the buyer. Sharings do greatly enrich, if the hands be well chosen that are trusted. Usury is the certainest means of gain, though one of the worst, as that whereby a man doth eat his bread "in sudore vultus alieni;" and beside, doth plough upon Sundays. But yet certain though it be, it hath flaws; for that the scriveners and brokers do value unsound men, to serve their own turn. The fortune in being the first in an invention, or in privilege, doth cause sometimes a wonderful overgrowth in riches; as it was with the first sugar-man in the Canaries. Therefore, if a man can play the true logician, to have as well judgment as invention, he may do great matters, especially if the times be fit. He that resteth upon gains certain, shall hardly grow to great riches. And he that puts all upon adventures, doth oftentimes break, and come to poverty: it is good therefore to guard adventures with certainties that may uphold losses. Monopolies, and coemption of wares for re-sale, where they are not restrained, are great means to enrich; especially if the party have intelligence what things are like to come into request, and so store himself beforehand. Riches gotten by service, though it be of the best rise, yet when they are gotten by flattery, feeding humours, and other servile conditions, they may be placed amongst the worst. As for fishing for testaments and executorships, as Tacitus saith of Seneca, "Testamenta et orbos tanquam indagine capi," it is yet worse; by how much men submit themselves to meaner persons, than in service. Believe not much them that seem to despise riches; for they despise them that despair of them: and none worse when they come to them. Be not penny-wise; riches have wings, and sometimes they fly away of themselves, sometimes they must be set flying to bring in more. Men leave their riches either to their kindred, or to the public: and moderate portions prosper best in both. A great estate left to an heir, is as a lure to all the birds of prey round about, to seize on him, if he be not the better established in years and judgment. Likewise glorious gifts and foundations are like sacrifices without salt; and but the painted sepulchres of alms, which soon will putrify and corrupt inwardly. Therefore measure not thine advancements by quantity, but frame them by measure: and defer not charities till death: for certainly, if a man weigh it rightly, he that doth so, is rather liberal of another man's than of his own.

XXXV. OF PROPHECIES.

I mean not to speak of divine prophecies, nor of heathen oracles, nor of natural predictions; but only of prophecies that have been of certain memory, and from hidden causes. Saith the Pythonissa to Saul; "To-morrow thou and thy son shall be with me." Virgil hath these verses from Homer:

> "At domus Æneæ cunctis dominabitur oris,
> Et nati natorum, et qui nascentur ab illis."
>
> *Æneid.* iii. 97.

A prophecy, as it seems, of the Roman empire. Seneca the tragedian hath these verses:

> "Venient annis
> Secula seris, quibus oceanus
> Vincula rerum laxet, et ingens
> Pateat tellus, Tiphysque novos
> Detegat orbes; nec sit terris
> Ultima Thule:"

a prophecy of the discovery of America. The daughter of Polycrates dreamed, that Jupiter bathed her father, and Apollo anointed him: and it came to pass, that he was crucified in an open place, where the sun made his body run with sweat, and the rain washed it. Philip of Macedon dreamed he sealed up his wife's belly; whereby he did expound it, that his wife should be barren; but Aristander the soothsayer told him, his wife was with child: because men do not use to seal vessels that are empty. A phantasm that appeared to M. Brutus, in his tent, said to him, "Philippis iterum me videbis." Tiberius said to Galba, "Tu quoque, Galba, degustabis imperium." In Vespasian's time there went

a prophecy in the east, that those that should come forth of Judea, should reign over the world; which though it may be was meant of our Saviour, yet Tacitus expounds it of Vespasian. Domitian dreamed, the night before he was slain, that a golden head was growing out of the nape of his neck: and indeed the succession that followed him, for many years, made golden times. Henry the sixth of England said of Henry the seventh, when he was a lad, and gave him water; "This is the lad that shall enjoy the crown for which we strive." When I was in France, I heard from one Dr. Pena, that the queen-mother, who was given to curious arts, caused the king her husband's nativity to be calculated under a false name; and the astrologer gave a judgment, that he should be killed in a duel; at which the queen laughed, thinking her husband to be above challenges and duels: but he was slain upon a course at tilt, the splinters of the staff of Montgomery going in at his beaver. The trivial prophecy, which I heard when I was a child, and queen Elizabeth was in the flower of her years, was;

"When hempe is spun,
England's done."

Whereby it was generally conceived, that after the princes had reigned, which had the principal letters of that word hempe, which were Henry, Edward, Mary, Philip, and Elizabeth, England should come to utter confusion; which, thanks be to God, is verified only in the change of the name, for that the king's style is now no more of England, but of Britain. There was also another prophecy before the year of eighty-eight, which I do not well understand:

"There shall be seen upon a day,
Between the Baugh and the May,
The black fleet of Norway.
When that is come and gone,
England build houses of lime and stone,
For after wars shall you have none."

It was generally conceived to be meant of the Spanish fleet that came in eighty-eight. For that the king of Spain's surname, as they say, is Norway. The prediction of Regiomontanus,

"Octogesimus octavus mirabilis annus:"

was thought likewise accomplished, in the sending of that great fleet, being the greatest in strength, though not in number, of all that ever swam upon the sea. As for Cleon's dream, I think it was a jest: it was, that he was devoured of a long dragon; and it was expounded of a maker of sausages, that troubled him exceedingly. There are numbers of the like kind; especially if you include dreams, and predictions of astrology. But I have set down these few only of certain credit, for example. My judgment is, that they ought all to be despised, and ought to serve but for winter talk by the fire-side. Though when I say despised, I mean it as for belief: for otherwise, the spreading or publishing of them, is in no sort to be despised; for they have done much mischief. And I see many severe laws made to suppress them. That that hath given them grace, and some credit, consisteth in three things: first, that men mark when they hit, and never mark when they miss; as they do, generally, also of dreams. The second is, that probable conjectures, or obscure traditions, many times, turn themselves into prophecies: while the nature of man, which coveteth divination, thinks it no peril to foretell that, which indeed they do but collect; as that of Seneca's verse. For so much was then subject to demonstration, that the globe of the earth had great parts beyond the Atlantic, which might be probably conceived not to be all sea: and adding thereto the tradition in Plato's Timæus, and his Atlanticus, it might encourage one to turn it to a prediction. The third and last, which is the great one, is, that almost all of them, being infinite in number, have been impostures, and by idle and crafty brains, merely contrived and feigned, after the event passed.

XXXVI. OF AMBITION.

Ambition is like choler, which is an humour that maketh men active, earnest, full of alacrity, and stirring, if it be not stopped. But if it be stopped, and cannot have its way, it becometh adust, and thereby malign and venomous. So ambitious men, if they find the way open for their rising, and still get forward, they are rather busy than dangerous; but if they be checked in their desires, they become secretly discontent, and look upon men and matters with an evil eye, and are best pleased when things go backward; which is the worst property in a servant of a prince or state. Therefore it is good for princes, if they use ambitious men, to handle it so, as they be still progressive, and not retrograde; which, because it cannot be without inconvenience, it is good not to use such natures at all. For if they rise not with their service, they will take order to make their service fall with them. But since we have said it were good not to use men of ambitious natures, except it be upon necessity, it is fit we speak, in what cases they are of necessity. Good commanders in the wars must be taken, be they never so ambitious: for the use of their service dispenseth with the rest; and to take a soldier without ambition, is to pull off his spurs. There is also great use of ambitious men, in being screens to princes, in matters of danger and envy: for no man will take that part except he be like a seeled dove, that mounts, and mounts, because he cannot see about him. There is use also of ambitious men in pulling down the greatness of any subject that over-tops; as Tiberius used Macro in the pulling down of Sejanus. Since therefore they must be used in such cases, there resteth to speak how they are to be bridled, that they may be less dangerous. There is less danger of them, if they be of mean birth, than if they be noble; and if they be rather harsh of nature, than gracious and popular; and if they be rather new raised, than grown cunning and fortified in their greatness. It is counted by some a weakness in princes to have favourites; but it is of all others, the best remedy against ambitious great ones. For when the way of pleasuring and displeasuring lieth by the favourite, it is impossible any other should be over-great. Another means to

curb them, is to balance them by others as proud as they. But then there must be some middle counsellors to keep things steady; for without that ballast the ship will roll too much. At the least a prince may animate and inure some meaner persons, to be as it were scourges to ambitious men. As for the having of them obnoxious to ruin, if they be of fearful natures, it may do well: but if they be stout and daring, it may precipitate their designs, and prove dangerous. As for the pulling of them down, if the affairs require it, and that it may not be done with safety suddenly, the only way is, the interchange continually of favours and disgraces, whereby they may not know what to expect, and be as it were in a wood. Of ambitions, it is less harmful the ambition to prevail in great things, than that other to appear in every thing; for that breeds confusion, and mars business: but yet it is less danger to have an ambitious man stirring in business, than great in dependences. He that seeketh to be eminent amongst able men, hath a great task; but that is ever good for the public. But he that plots to be the only figure amongst ciphers, is the decay of a whole age. Honour hath three things in it: the vantage ground to do good; the approach to kings and principal persons; and the raising of a man's own fortunes. He that hath the best of these intentions, when he aspireth, is an honest man; and that prince that can discern of these intentions in another that aspireth, is a wise prince. Generally let princes and states choose such ministers as are more sensible of duty than of rising; and such as love business rather upon conscience, than upon bravery: and let them discern a busy nature from a willing mind.

XXXVII. OF MASQUES AND TRIUMPHS.

These things are but toys to come amongst such serious observations. But yet, since princes will have such things, it is better they should be graced with elegancy, than daubed with cost. Dancing to song, is a thing of great state and pleasure. I understand it, that the song be in quire, placed aloft, and accompanied with some broken music; and the ditty fitted to the device. Acting in song, especially in dialogues, hath an extreme good grace; I say acting, not dancing, (for that is a mean and vulgar thing,) and the voices of the dialogue should be strong and manly, a base, and a tenor; no treble, and the ditty high and tragical, not nice or dainty. Several quires placed one over-against another, and taking the voice by catches, anthem-wise, give great pleasure. Turning dances into figure, is a childish curiosity. And generally let it be noted, that those things which I here set down, are such as do naturally take the sense, and not respect petty wonderments. It is true, the alterations of scenes, so it be quietly and without noise, are things of great beauty and pleasure; for they feed and relieve the eye before it be full of the same object. Let the scenes abound with light, specially coloured and varied: and let the maskers, or any other that are to come down from the scene, have some motions upon the scene itself before their coming down; for it draws the eye strangely, and makes it with great pleasure to desire to see that it cannot perfectly discern. Let the songs be loud and cheerful, and not chirpings or pulings. Let the music likewise be sharp and loud, and well placed. The colours that show best by candle-light, are white, carnation, and a kind of sea-water green; and ouches, or spangs, as they are of no great cost, so they are of most glory. As for rich embroidery, it is lost, and not discerned. Let the suits of the maskers be graceful, and such as become the person when the vizards are off; not after examples of known attires; Turks, soldiers, mariners, and the like. Let antimasks not be long; they have been commonly of fools, satyrs, baboons, wild men, antics, beasts, spirits, witches, Ethiopes, pigmies, turquets, nymphs, rustics, Cupids, statues moving, and the like. As for angels, it is not comical enough to put them in antimasks; and any thing that is hideous, as devils, giants, is on the other side as unfit: but chiefly, let the music of them be recreative, and with some strange changes. Some sweet odours suddenly coming forth without any drops falling, are in such a company, as there is steam and heat, things of great pleasure and refreshment. Double masques, one of men, another of ladies, addeth state and variety. But all is nothing except the room be kept clear and neat.

For justs, and tourneys, and barriers, the glories of them are chiefly in the chariots, wherein the challengers make their entry; especially if they be drawn with strange beasts; as lions, bears, camels, and the like: or in the devices of their entrance, or in the bravery of their liveries, or in the goodly furniture of their horses and armour. But enough of these toys.

XXXVIII. OF NATURE IN MEN.

Nature is often hidden, sometimes overcome, seldom extinguished. Force maketh nature more violent in the return; doctrine and discourse maketh nature less importune; but custom only doth alter and subdue nature. He that seeketh victory over his nature, let him not set himself too great nor too small tasks; for the first will make him dejected by often failing, and the second will make him a small proceeder, though by often prevailing. And at the first, let him practise with helps, as swimmers do with bladders or rushes: but after a time, let him practise with disadvantages, as dancers do with thick shoes. For it breeds great perfection, if the practice be harder than the use. Where nature is mighty, and therefore the victory hard, the degrees had need be, first to stay and arrest nature in time; like to him that would say over the four and twenty letters when he was angry: then to go less in quantity; as if one should, in forbearing wine, come from drinking healths, to a draught at a meal; and lastly, to discontinue altogether. But if a man have the fortitude and resolution to enfranchise himself at once, that is the best:

> "Optimus ille animi vindex, lædentia pectus
> Vincula qui rupit, dedoluitque semel."

Neither is the ancient rule amiss, to bend nature as a wand to a contrary extreme, whereby to set it right; understanding it where the contrary extreme is no vice. Let not a man force a habit upon himself with a perpetual continuance, but with some intermission. For both the pause reinforceth the new onset; and if a man that is not perfect be ever in practice, he shall as well practise his errors as his abilities, and induce one habit of both; and there is no means to help this but by seasonable intermissions. But let not a man trust his victory over his nature too far; for nature will lie buried a great time, and yet revive upon the occasion or temptation. Like as it was with Æsop's damsel, turned from a cat to a woman, who sat very demurely at the board's end, till a mouse ran before her. Therefore let a man either avoid the occasion altogether, or put himself often to it, that he may be little moved with it. A man's nature is best perceived in privateness, for there is no affectation; in passion, for that putteth a man out of his precepts; and in a new case or experiment, for there custom leaveth them. They are happy men, whose natures sort with their vocations; otherwise they may say, "Multum incola fuit anima mea:" when they converse in those things they do not affect. In studies, whatsoever a man commandeth upon himself, let him set hours for it; but whatsoever is agreeable to his nature, let him take no care for any set times; for his thoughts will fly to it of themselves; so as the spaces of other business or studies will suffice. A man's nature runs either to herbs, or weeds: Therefore let him seasonably water the one, and destroy the other.

XXXIX. OF CUSTOM AND EDUCATION.

Men's thoughts are much according to their inclination; their discourse and speeches according to their learning and infused opinions; but their deeds are after as they have been accustomed. And therefore, as Machiavel well noteth, though in an evil-favoured instance, there is no trusting to the force of nature, nor the bravery of words, except it be corroborate by custom. His instance is, that for the achieving of a desperate conspiracy a man should not rest upon the fierceness of any man's nature, or his resolute undertakings; but take such a one as hath had his hands formerly in blood. But Machiavel knew not of a friar Clement, nor a Ravillac, nor a Jaureguy, nor a Baltazar Gerard: yet this rule holdeth still, that nature, nor the engagement of words, are not so forcible as custom. Only superstition is now so well advanced, that men of the first blood are as firm as butchers by occupation: and votary resolution is made equipollent to custom, even in matter of blood. In other things the predominancy of custom is every where visible; insomuch as a man would wonder to hear men profess, protest, engage, give great words, and then do just as they have done before: as if they were dead images, and engines moved only by the wheels of custom. We see also the reign or tyranny of custom what it is. The Indians, I mean the sect of their wise men, lay themselves quietly upon a stack of wood, and so sacrifice themselves by fire. Nay, the wives strive to be burned with the corpse of their husbands. The lads of Sparta, of ancient time, were wont to be scourged upon the altar of Diana, without so much as queching. I remember in the beginning of queen Elizabeth's time of England, an Irish rebel condemned put up a petition to the deputy that he might be hanged in a with, and not in a halter, because it had been so used with former rebels. There be monks in Russia, for penance, that will sit a whole night in a vessel of water, till they be engaged with hard ice. Many examples may be put of the force of custom, both upon mind and body. Therefore since custom is the principal magistrate of man's life, let men by all means endeavour to obtain good customs. Certainly custom is most perfect, when it beginneth in young years: this we call education, which is, in effect, but an early custom. So we see in languages, the tongue is more pliant to all expressions and sounds, the joints are more supple to all feats of activity and motions, in youth than afterwards. For it is true, that late learners cannot so well take the ply, except it be in some minds that have not suffered themselves to fix, but have kept themselves open and prepared to receive continual amendment, which is exceeding rare. But if the force of custom simple and separate be great; the force of custom copulate and conjoined and collegiate, is far greater. For there example teacheth, company comforteth, emulation quickeneth, glory raiseth: so as in such places the force of custom is in its exaltation. Certainly the great multiplication of virtues upon human nature resteth upon societies well ordained and disciplined. For commonwealths and good governments do nourish virtues grown, but do not much mend the seeds. But the misery is, that the most effectual means are now applied to the ends least to be desired.

XL. OF FORTUNE.

It cannot be denied but outward accidents conduce much to fortune: favour, opportunity, death of others, occasion fitting virtue. But chiefly, the mould of a man's fortune is in his own hands. "Faber quisque fortunæ suæ;" saith the poet. And the most frequent of external causes is, that the folly of one man is the fortune of another. For no man prospers so suddenly as by others' errors. "Serpens nisi serpentem comederit non fit draco." Overt and apparent virtues bring forth praise; but there be secret and hidden virtues that bring forth fortune; certain deliveries of a man's self, which have no name. The Spanish name, desemboltura, partly expresseth them: when there be not stonds, nor restiveness in a man's nature; but that the wheels of his mind keep way with the wheels of his fortune. For so Livy, after he had described Cato Major in these words; "in illo viro, tantum robur corporis et animi fuit, ut quocunque loco natus esset, fortunam sibi facturus videretur;" falleth upon that, that he had versatile ingenium. Therefore if a man look

sharply and attentively, he shall see Fortune; for though she be blind, yet she is not invisible. The way of fortune is like the milky way in the sky; which is a meeting or knot of a number of small stars, not seen asunder, but giving light together. So are there a number of little and scarce discerned virtues, or rather faculties and customs, that make men fortunate. The Italians note some of them, such as a man would little think. When they speak of one that cannot do amiss, they will throw into his other conditions, that he hath "Poco di matto." And certainly there be not two more fortunate properties, than to have a little of the fool, and not too much of the honest. Therefore extreme lovers of their country, or masters, were never fortunate, neither can they be. For when a man placeth his thoughts without himself, he goeth not his own way. A hasty fortune maketh an enterpriser and remover; the French hath it better, entreprenant, or remuant; but the exercised fortune maketh the able man. Fortune is to be honoured and respected, and it be but for her daughters, Confidence and Reputation. For those two felicity breedeth: the first within a man's self; the latter in others towards him. All wise men, to decline the envy of their own virtues, use to ascribe them to Providence and Fortune; for so they may the better assume them: and besides, it is greatness in a man to be the care of the higher powers. So Cæsar said to the pilot in the tempest, "Cæsarem portas, et fortunam ejus." So Sylla chose the name of felix, and not of magnus: and it hath been noted, that those that ascribe openly too much to their own wisdom and policy, end unfortunate. It is written, that Timotheus the Athenian, after he had, in the account he gave to the state of his government, often interlaced this speech, "And in this Fortune had no part," never prospered in any thing he undertook afterwards. Certainly there be, whose fortunes are like Homer's verses, that have a slide and easiness more than the verses of other poets: as Plutarch saith of Timoleon's fortune, in respect of that of Agesilaus or Epaminondas. And that this should be, no doubt it is much in a man's self.

XLI. OF USURY.

Many have made witty invectives against usury. They say, That it is pity the devil should have God's part, which is the tithe. That the usurer is the greatest sabbath-breaker, because his plough goeth every Sunday. That the usurer is the drone that Virgil speaketh of:

"Ignavum fucos pecus a præsepibus arcent."

That the usurer breaketh the first law that was made for mankind after the fall; which was, "In sudore vultûs tui comedes panem tuum;" not "In sudore vultûs alieni." That usurers should have orange-tawny bonnets, because they do judaize. That it is against nature, for money to beget money: and the like. I say this only, that usury is a "concessum propter duritiem cordis:" for since there must be borrowing and lending, and men are so hard of heart as they will not lend freely, usury must be permitted. Some others have made suspicious and cunning propositions of banks, discovery of men's estates, and other inventions. But few have spoken of usury usefully. It is good to set before us the incommodities and commodities of usury; that the good may be either weighed out, or culled out; and warily to provide, that while we make forth to that which is better, we meet not with that which is worse.

The discommodities of usury are: first, that it makes fewer merchants. For were it not for this lazy trade of usury, money would not lie still, but would in great part be employed upon merchandising; which is the vena porta of wealth in a state. The second, that it makes poor merchants. For as a farmer cannot husband his ground so well, if he sit at a great rent; so the merchant cannot drive his trade so well, if he sit at great usury. The third is incident to the other two; and that is, the decay of customs of kings or states, which ebb or flow with merchandising. The fourth, that it bringeth the treasure of a realm or state into a few hands. For the usurer being at certainties, and others at uncertainties, at the end of the game most of the money will be in the box; and ever a state flourisheth, when wealth is more equally spread. The fifth, that it beats down the price of land: for the employment of money is chiefly either merchandizing or purchasing; and usury way-lays both. The sixth, that it doth dull and damp all industries, improvements, and new inventions, wherein money would be stirring, if it were not for this slug. The last, that it is the canker and ruin of many men's estates, which in process of time breeds a public poverty.

On the other side, the commodities of usury are: first, that howsoever usury in some respect hindereth merchandizing, yet in some other it advanceth it: for it is certain that the greatest part of trade is driven by young merchants, upon borrowing at interest; so as if the usurer either call in or keep back his money, there will ensue presently a great stand of trade. The second is, that were it not for this easy borrowing upon interest, men's necessities would draw upon them a most sudden undoing; in that they would be forced to sell their means, be it lands or goods, far under foot; and so whereas usury doth but gnaw upon them, bad markets would swallow them quite up. As for mortgaging or pawning, it will little mend the matter; for either men will not take pawns without use; or if they do, they will look precisely for the forfeiture. I remember a cruel moneyed man in the country, that would say: "The devil take this usury, it keeps us from forfeitures of mortgages and bonds." The third and last is, that it is a vanity to conceive, that there would be ordinary borrowing without profit; and it is impossible to conceive the number of inconveniences that will ensue, if borrowing be cramped. Therefore to speak of the abolishing of usury is idle. All states have ever had it in one kind or rate, or other. So as that opinion must be sent to Utopia.

To speak now of the reformation and reglement of usury, how the discommodities of it may be best avoided, and the commodities retained. It appears by the balance of commodities and discommodities

of usury, two things are to be reconciled. The one, that the tooth of usury be grinded that it bite not too much: the other, that there be left open a means to invite monied men to lend to the merchants, for the continuing and quickening of trade. This cannot be done, except you introduce two several sorts of usury, a less and a greater. For if you reduce usury to one low rate, it will ease the common borrower, but the merchant will be to seek for money. And it is to be noted, that the trade of merchandise being the most lucrative, may bear usury at a good rate; other contracts not so.

To serve both intentions, the way would be briefly thus. That there be two rates of usury; the one free and general for all; the other under licence only to certain persons, and in certain places of merchandizing. First, therefore, let usury in general be reduced to five in the hundred; and let that rate be proclaimed to be free and current; and let the state shut itself out to take any penalty for the same. This will preserve borrowing from any general stop or dryness. This will ease infinite borrowers in the country. This will in good part raise the price of land, because land purchased at sixteen years' purchase, will yield six in the hundred and somewhat more, whereas this rate of interest yields but five. This by like reason will encourage and edge industrious and profitable improvements; because many will rather venture in that kind, than take five in the hundred, especially having been used to greater profit. Secondly, let there be certain persons licensed to lend to known merchants, upon usury at a higher rate: and let it be with the cautions following. Let the rate be, even with the merchant himself, somewhat more easy than that he used formerly to pay: for by that means all borrowers shall have some ease by this reformation, be he merchant or whosoever. Let it be no bank, or common stock, but every man be master of his own money. Not that I altogether mislike banks, but they will hardly be brooked in regard of certain suspicions. Let the state be answered some small matter for the licence, and the rest left to the lender; for if the abatement be but small, it will no whit discourage the lender. For he, for example, that took before ten or nine in the hundred, will sooner descend to eight in the hundred, than give over his trade of usury; and go from certain gains, to gains of hazard. Let these licensed lenders be in number indefinite, but restrained to certain principal cities and towns of merchandizing: for then they will be hardly able to colour other men's monies in the country; so as the licence of nine will not suck away the current rate of five: for no man will lend his monies far off, nor put them into unknown hands.

If it be objected, that this doth in a sort authorize usury, which before was in some places but permissive; the answer is, that it is better to mitigate usury by declaration, than to suffer it to rage by connivance.

XLII. OF YOUTH AND AGE.

A man that is young in years, may be old in hours, if he have lost no time. But that happeneth rarely. Generally youth is like the first cogitations, not so wise as the second. For there is a youth in thoughts, as well as in ages. And yet the invention of young men is more lively than that of the old; and imaginations stream into their minds better, and as it were more divinely. Natures that have much heat, and great and violent desires and perturbations, are not ripe for action, till they have passed the meridian of their years: as it was with Julius Cæsar, and Septimius Severus. Of the latter of whom it is said, "Juventutem egit erroribus, imo furoribus, plenam." And yet he was the ablest emperor almost of all the list. But reposed natures may do well in youth: as it is seen in Augustus Cæsar, Cosmus duke of Florence, Gaston de Foix, and others. On the other side, heat and vivacity in age is an excellent composition for business. Young men are fitter to invent than to judge; fitter for execution than for counsel; and fitter for new projects than for settled business. For the experience of age, in things that fall within the compass of it, directeth them; but in new things abuseth them. The errors of young men are the ruin of business; but the errors of aged men amount but to this, that more might have been done, or sooner. Young men, in the conduct and manage of actions, embrace more than they can hold; stir more than they can quiet; fly to the end, without consideration of the means and degrees; pursue some few principles, which they have chanced upon, absurdly; care not to innovate, which draws unknown inconveniences; use extreme remedies at first; and, that which doubleth all errors, will not acknowledge or retract them; like an unready horse, that will neither stop nor turn. Men of age object too much, consult too long, adventure too little, repent too soon, and seldom drive business home to the full period; but content themselves with a mediocrity of success. Certainly it is good to compound employments of both; for that will be good for the present, because the virtues of either age may correct the defects of both: and good for succession, that young men may be learners, while men in age are actors: and lastly, good for extern accidents, because authority followeth old men, and favour and popularity youth. But for the moral part, perhaps youth will have the pre-eminence, as age hath for the politic. A certain rabbin upon the text, "Your young men shall see visions, and your old men shall dream dreams;" inferreth, that young men are admitted nearer to God than old; because vision is a clearer revelation than a dream. And certainly the more a man drinketh of the world, the more it intoxicateth; and age doth profit rather in the powers of understanding, than in the virtues of the will and affections. There be some have an over-early ripeness in their years, which fadeth betimes: these are first, such as have brittle wits, the edge whereof is soon turned; such as was Hermogenes the rhetorician, whose books are exceeding subtile; who afterwards waxed stupid. A second sort is of those that have some natural dispositions, which have better grace in youth than in age: such as is a fluent and luxuriant speech; which becomes youth well, but not age. So Tully saith of Hortensius,

"Idem manebat, neque idem decebat." The third is, of such as take too high a strain at the first; and are magnanimous, more than tract of years can uphold. As was Scipio Africanus, of whom Livy saith in effect, "Ultima primis cedebant."

XLIII. OF BEAUTY.

Virtue is like a rich stone, best plain set: and surely virtue is best in a body that is comely, though not of delicate features; and that hath rather dignity of presence, than beauty of aspect. Neither is it almost seen, that very beautiful persons are otherwise of great virtue. As if nature were rather busy not to err, than in labour to produce excellency. And therefore they prove accomplished, but not of great spirit; and study rather behaviour than virtue. But this holds not always; for Augustus Cæsar, Titus Vespasianus, Philip le Bel of France, Edward the fourth of England, Alcibiades of Athens, Ismael the sophi of Persia, were all high and great spirits; and yet the most beautiful men of their times. In beauty, that of favour is more than that of colour; and that of decent and gracious motion more than that of favour. That is the best part of beauty, which a picture cannot express: no nor the first sight of the life. There is no excellent beauty, that hath not some strangeness in the proportion. A man cannot tell, whether Apelles or Albert Durer were the more trifler; whereof the one would make a personage by geometrical proportions; the other, by taking the best parts out of divers faces, to make one excellent. Such personages, I think, would please nobody but the painter that made them. Not but I think a painter may make a better face than ever was; but he must do it by a kind of felicity, as a musician that maketh an excellent air in music, and not by rule. A man shall see faces, that if you examine them part by part, you shall never find a good; and yet altogether do well. If it be true, that the principal part of beauty is in decent motion, certainly, it is no marvel, though persons in years seem many times more amiable; "pulchrorum autumnus pulcher:" for no youth can be comely but by pardon, and considering the youth, as to make up the comeliness. Beauty is as summer fruits, which are easy to corrupt, and cannot last: and for the most part it makes a dissolute youth, and an age a little out of countenance: but yet certainly again, if it light well, it maketh virtues shine, and vices blush.

XLIV. OF DEFORMITY.

Deformed persons are commonly even with nature; for as nature hath done ill by them, so do they by nature; being for the most part, as the Scripture saith, "void of natural affection:" and so they have their revenge of nature. Certainly there is a consent between the body and the mind, and where nature erreth in the one, she ventureth in the other. "Ubi peccat in uno, periclitatur in altero." But because there is in man an election touching the frame of his mind, and a necessity in the frame of his body, the stars of natural inclination are sometimes obscured by the sun of discipline and virtue: therefore it is good to consider of deformity, not as a sign which is more deceivable, but as a cause which seldom faileth of the effect. Whosoever hath any thing fixed in his person that doth induce contempt, hath also a perpetual spur in himself, to rescue and deliver himself from scorn; therefore all deformed persons are extreme bold. First, as in their own defence, as being exposed to scorn; but in process of time, by a general habit. Also it stirreth in them industry, and especially of this kind, to watch and observe the weakness of others, that they may have somewhat to repay. Again, in their superiors it quencheth jealousy towards them, as persons that they think they may at pleasure despise: and it layeth their competitors and emulators asleep; as never believing they should be in possibility of advancement, till they see them in possession. So that, upon the matter, in a great wit deformity is an advantage to rising. Kings in ancient times, and at this present, in some countries, were wont to put great trust in eunuchs, because they that are envious towards all, are more obnoxious and officious towards one. But yet their trust towards them hath rather been as to good spials and good whisperers, than good magistrates and officers. And much like is the reason of deformed persons. Still the ground is, they will, if they be of spirit, seek to free themselves from scorn; which must be either by virtue or malice. And therefore let it not be marvelled, if sometimes they prove excellent persons; as was Agesilaus, Zanger the son of Solyman, Æsop, Gasca president of Peru; and Socrates may go likewise amongst them, with others.

XLV. OF BUILDING.

Houses are built to live in, and not to look on; therefore let use be preferred before uniformity, except where both may be had. Leave the goodly fabrics of houses for beauty only, to the enchanted palaces of the poets, who build them with small cost. He that builds a fair house upon an ill seat, committeth himself to prison. Neither do I reckon it an ill seat only, where the air is unwholesome, but likewise where the air is unequal; as you shall see many fine seats, set upon a knap of ground environed with higher hills round about it, whereby the heat of the sun is pent in, and the wind gathereth as in troughs; so as you shall have, and that suddenly, as great diversity of heat and cold, as if you dwelt in several places. Neither is it ill air only that maketh an ill seat; but ill ways, ill markets; and, if you will consult with Momus, ill neighbours. I speak not of many more; want of water, want of wood, shade, and shelter; want of fruitfulness, and mixture of grounds of several natures: want of prospect; want of level grounds; want of places at some near distance for sports of hunting, hawking, and races; too near the sea, too remote; having the commodity of navigable rivers, or the discommodity of their overflowing; too far off from great cities, which may hinder business; or too near

them, which lurcheth all provisions, and maketh every thing dear; where a man hath a great living laid together, and where he is scanted: all which, as it is impossible perhaps to find together, so it is good to know them, and think of them, that a man may take as many as he can: and if he have several dwellings, that he sort them so, that what he wanteth in the one, he may find in the other. Lucullus answered Pompey well, who, when he saw his stately galleries and rooms, so large and lightsome in one of his houses, said, "Surely an excellent place for summer, but how do you do in winter?" Lucullus answered, "Why, do you not think me as wise as some fowls are, that ever change their abode towards the winter?"

To pass from the seat to the house itself, we will do as Cicero doth in the orator's art, who writes books "De Oratore," and a book he entitles "Orator:" whereof the former delivers the precepts of the art, and the latter the perfection. We will therefore describe a princely palace, making a brief model thereof. For it is strange to see, now in Europe, such huge buildings as the Vatican, and Escurial, and some others be, and yet scarce a very fair room in them.

First therefore, I say, you cannot have a perfect palace, except you have two several sides; a side for the banquet, as is spoken of in the book of Esther; and a side for the household: the one for feasts and triumphs, the other for dwelling. I understand both these sides to be not only returns, but parts of the front; and to be uniform without, though severally partitioned within; and to be on both sides of a great and stately tower, in the midst of the front; that as it were joineth them together on either hand. I would have on the one side of the banquet, in front, one only goodly room above stairs, of some forty foot high; and under it a room for a dressing or preparing place, at times of triumphs. On the other side, which is the household side, I wish it divided at the first into a hall and a chapel, with a partition between, both of good state and bigness; and those not to go all the length, but to have at the farther end a winter and a summer parlour, both fair: and under these rooms a fair and large cellar sunk under ground; and likewise some privy kitchens, with butteries and pantries, and the like. As for the tower, I would have it two stories, of eighteen foot high apiece, above the two wings; and goodly leads upon the top, railed, with statues interposed; and the same tower to be divided into rooms, as shall be thought fit. The stairs likewise to the upper rooms, let them be upon a fair open newel, and finely railed in, with images of wood cast into a brass colour; and a very fair landing-place at the top. But this to be, if you do not appoint any of the lower rooms for a dining-place of servants; for otherwise you shall have the servants' dinner after your own: for the steam of it will come up as in a tunnel. And so much for the front. Only I understand the height of the first stairs to be sixteen foot, which is the height of the lower room.

Beyond this front is there to be a fair court, but three sides of it of a far lower building than the front. And in all the four corners of that court, fair staircases cast into turrets on the outside, and not within the row of buildings themselves: but those towers are not to be of the height of the front, but rather proportionable to the lower building. Let the court not be paved, for that striketh up a great heat in summer, and much cold in winter: but only some side alleys, with a cross, and the quarters to graze, being kept shorn, but not too near shorn. The row of return on the banquet side, let it be all stately galleries; in which galleries let there be three, or five, fine cupolas, in the length of it, placed at equal distance; and fine coloured windows of several works. On the household side, chambers of presence and ordinary entertainments, with some bed-chambers; and let all three sides be a double house, without thorough lights on the sides, that you may have rooms from the sun, both for forenoon and afternoon. Cast it also, that you may have rooms both for summer and winter; shady for summer, and warm for winter. You shall have sometimes fair houses so full of glass, that one cannot tell where to become to be out of the sun or cold. For imbowed windows, I hold them of good use, (in cities, indeed, upright do better, in respect of the uniformity towards the street,) for they be pretty retiring places for conference; and besides, they keep both the wind and sun off; for that which would strike almost through the room, doth scarce pass the window. But let them be but few, four in the court, on the sides only.

Beyond this court, let there be an inward court, of the same square and height, which is to be environed with the garden on all sides: and in the inside, cloistered on all sides upon decent and beautiful arches, as high as the first story: on the under story, towards the garden, let it be turned to a grotto, or place of shade or estivation: and only have opening and windows towards the garden, and be level upon the floor, no whit sunk under ground, to avoid all dampishness. And let there be a fountain, or some fair work of statues, in the midst of this court; and to be paved as the other court was. These buildings to be for privy lodgings on both sides, and the end for privy galleries: whereof you must foresee, that one of them be for an infirmary, if the prince or any special person should be sick, with chambers, bed-chamber, antecamera and recamera, joining to it. This upon the second story. Upon the ground-story, a fair gallery, open, upon pillars; and upon the third story, likewise, an open gallery, upon pillars, to take the prospect and freshness of the garden. At both corners of the farther side, by way of return, let there be two delicate or rich cabinets, daintily paved, richly hanged, glazed with crystalline glass, and a rich cupola in the midst; and all other elegancy that may be thought upon. In the upper gallery too, I wish that there may be, if the place will yield it, some fountains running in divers places from the wall, with some fine avoidances. And thus much for the model of the palace; save that you must have, before you come to the front, three courts: a green court plain, with a wall about it: a second court of the same, but more

garnished, with little turrets, or rather embellishments upon the wall; and a third court, to make a square with the front, but not to be built, nor yet enclosed with a naked wall, but enclosed with terraces, leaded aloft, and fairly garnished on the three sides; and cloistered on the inside with pillars, and not with arches below. As for offices, let them stand at distance, with some low galleries to pass from them to the palace itself.

XLVI. OF GARDENS.

God Almighty first planted a garden: and indeed it is the purest of human pleasures. It is the greatest refreshment of the spirits of man; without which, buildings and palaces are but gross handyworks: and a man shall ever see, that when ages grow to civility and elegancy, men come to build stately, sooner than to garden finely; as if gardening were the greater perfection. I do hold it, in the royal ordering of gardens, there ought to be gardens for all the months in the year: in which, severally, things of beauty may be then in season. For December and January, and the latter part of November, you must take such things as are green all winter; holly; ivy; bays; juniper; cypress-trees; yew; pine-apple trees; fir-trees; rosemary; lavender; periwinkle, the white, the purple, and the blue; germander; flags; orange-trees; lemon-trees; and myrtles, if they be stoved; and sweet marjoram, warm set. There followeth, for the latter part of January and February, the mezereon tree, which then blossoms; crocus vernus, both the yellow and the gray; primroses; anemonies; the early tulip; hyacinthus orientalis; chamaïris; fritellaria. For March there come violets, especially the single blue, which are the earliest; the yellow daffodil; the daisy; the almond-tree in blossom; the peach-tree in blossom; the cornelian-tree in blossom; sweetbrier. In April follow the double white violet; the wall-flower; the stock-gilliflower; the cowslip; flower-de-luces; and lilies of all natures; rosemary-flowers; the tulip; the double piony; the pale daffodil; the French honey-suckle; the cherry-tree in blossom; the damascene and plum-trees in blossom; the white-thorn in leaf; the lilach-tree. In May and June come pinks of all sorts; especially the blush pink; roses of all kinds, except the musk, which comes later; honey-suckles; strawberries; bugloss; columbine; the French marygold: flos Africanus; cherry-tree in fruit; ribes; figs in fruit; rasps; vine-flowers; lavender in flowers; the sweet satyrian, with the white flower; herba muscaria; lilium convallium; the apple-tree in blossom. In July come gilliflowers of all varieties; musk roses; the lime-tree in blossom; early pears and plums in fruit, gennitings, codlins. In August come plums of all sorts in fruit; pears; apricots; berberries; filberds; musk melons; monks-hoods, of all colours. In September come grapes; apples; poppies of all colours; peaches; melo-cotones; nectarines; cornelians; wardens; quinces. In October, and the beginning of November, come services; medlars; bullaces; roses cut or removed to come late; holly-oaks, and such like. These particulars are for the climate of London: but my meaning is perceived, that you may have ver perpetuum, as the place affords.

And because the breath of flowers is far sweeter in the air, where it comes and goes, like the warbling of music, than in the hand, therefore nothing is more fit for that delight, than to know what be the flowers and plants that do best perfume the air. Roses, damask and red, are fast flowers of their smells; so that you may walk by a whole row of them, and find nothing of their sweetness: yea, though it be in a morning's dew. Bays likewise yield no smell, as they grow; rosemary, little; nor sweet marjoram. That which above all others yields the sweetest smell in the air, is the violet; especially the white double violet, which comes twice a year; about the middle of April, and about Bartholomew-tide. Next to that is the musk-rose; then the strawberry-leaves dying, with a most excellent cordial smell; then the flower of the vines; it is a little dust, like the dust of a bent, which grows upon the cluster, in the first coming forth; then sweet-brier: then wall-flowers, which are very delightful, to be set under a parlour, or lower chamber window; then pinks and gilliflowers, especially the matted pink, and clove-gilliflower; then the flowers of the lime-tree; then the honey-suckles, so they be somewhat afar off. Of bean-flowers I speak not, because they are field-flowers; but those which perfume the air most delightfully, not passed by as the rest, but being trodden upon and crushed, are three; that is, burnet, wild thyme, and water mints. Therefore you are to set whole alleys of them, to have the pleasure when you walk or tread.

For gardens, speaking of those which are indeed prince-like, as we have done of buildings, the contents ought not well to be under thirty acres of ground, and to be divided into three parts: a green in the entrance; a heath or desert in the going forth; and the main garden in the midst; besides alleys on both sides. And I like well, that four acres of ground be assigned to the green, six to the heath, four and four to either side, and twelve to the main garden. The green hath two pleasures; the one, because nothing is more pleasant to the eye than green grass kept finely shorn; the other, because it will give you a fair alley in the midst; by which you may go in front upon a stately hedge, which is to enclose the garden. But because the alley will be long, and in great heat of the year or day, you ought not to buy the shade in the garden by going in the sun through the green; therefore you are, of either side the green, to plant a covert alley, upon carpenters' work, about twelve foot in height, by which you may go in shade into the garden. As for the making of knots or figures, with divers coloured earths, that they may lie under the windows of the house, on that side which the garden stands, they be but toys; you may see as good sights, many times, in tarts. The garden is best to be square, encompassed on all the four sides with a stately arched hedge: the arches to be upon pillars of carpenters' work, of some ten foot high, and six

not broad; and the spaces between of the same dimension with the breadth of the arch. Over the arches let there be an entire hedge, of some four foot high, framed also upon carpenters' work; and upon the upper hedge, over every arch, a little turret with a belly enough to receive a cage of birds; and over every space between the arches, some other little figure, with broad plates of round coloured glass, for the sun to play upon. But this hedge I intend to be raised upon a bank, not steep, but gently slope, of some six foot, set all with flowers. Also I understand, that this square of the garden should not be the whole breadth of the ground, but to leave on either side ground enough for diversity of walks alleys; unto which the two covert alleys of the green may deliver you: but there must be no alleys with hedges at either end of this great enclosure; not at the hither end, for letting your prospect upon the fair hedge from the green; nor at the farther end, for letting your prospect from the hedge, through the arches, upon the heath.

For the ordering of the ground within the great hedge, I leave it to variety of device; advising nevertheless, that whatsoever form you cast it into, that it be not too busy, or full of work; wherein I, for my part, do not like images cut out in juniper or other garden stuff; they be for children. Little low hedges round, like welts, with some pretty pyramids, I like well; and in some places, fair columns upon frames of carpenters' work. I would also have the alleys spacious and fair. You may have closer walks upon the side grounds, but none in the main garden. I wish also, in the very middle, a fair mount, with three ascents and alleys, enough for two to walk a-breast; which I would have to be perfect circles, without any bulwarks or embossments; and the whole mount to be thirty foot high; and some fine banqueting house, with some chimneys neatly cast, and without too much glass.

For fountains, they are a great beauty and refreshment; but pools mar all, and make the garden unwholesome, and full of flies and frogs. Fountains I intend to be of two natures: the one that sprinkleth or spouteth water; the other a fair receipt of water, of some thirty or forty foot square, but without fish, or slime, or mud. For the first, the ornaments of images gilt, or of marble, which are in use, do well: but the main matter is so to convey the water, as it never stay either in the bowls, or in the cistern; that the water be never by rest discoloured, green or red, or the like; or gather any foulness or putrefaction. Besides that, it is to be cleansed every day by the hand. Also some steps to it, and some fine pavement about it doth well. As for the other kind of fountain, which we may call a bathing pool, it may admit much curiosity and costliness, wherewith we will not trouble ourselves; as that the bottom be finely paved, and with images; the sides likewise; and withal embellished with coloured glass, and such things of lustre; encompassed also with fine rails of low statues. But the main point is the same which we mentioned in the former kind of fountain; which is that the water be in perpetual motion, fed by a water higher than the pool, and delivered into it by fair spouts, and then discharged away under ground by some equality of bores, that it stay little. And for fine devices of arching water without spilling and making it rise in several forms, of feathers, drinking glasses, canopies, and the like, they be pretty things to look on, but nothing to health and sweetness.

For the heath, which was the third part of our plot, I wish it to be framed as much as may be to a natural wildness. Trees I would have none in it, but some thickets made only of sweet-brier and honey-suckle, and some wild vine amongst; and the ground set with violets, strawberries, and primroses. For these are sweet and prosper in the shade. And these to be in the heath here and there, not in any order. I like also little heaps, in the nature of mole-hills, such as are in wild heaths, to be set some with wild thyme, some with pinks, some with germander, that gives a good flower to the eye, some with periwinkle, some with violets, some with strawberries, some with cowslips, some with daisies, some with red roses, some with lilium convallium, some with sweet-williams red, some with bears-foot, and the like low flowers being withal sweet and sightly. Part of which heaps to be with standards of little bushes, pricked upon their top, and part without. The standards to be roses, juniper, holly, berberries, but here and there, because of the smell of their blossom, red currants, gooseberries, rosemary, bays, sweet brier, and such like. But these standards to be kept with cutting, that they grow not out of course.

For the side grounds, you are to fill them with variety of alleys, private, to give a full shade, some of them, wheresoever the sun be. You are to frame some of them likewise for shelter, that when the wind blows sharp, you may walk as in a gallery. And those alleys must be likewise hedged at both ends, to keep out the wind; and these closer alleys must be ever finely gravelled, and no grass, because of going wet. In many of these alleys likewise, you are to set fruit-trees of all sorts; as well upon the walls as in ranges. And this would be generally observed, that the borders wherein you plant your fruit-trees, be fair and large, and low, and not steep; and set with fine flowers, but thin and sparingly, lest they deceive the trees. At the end of both the side grounds, I would have a mount of some pretty height, leaving the wall of the enclosure breast high, to look abroad into the fields.

For the main garden, I do not deny but there should be some fair alleys, ranged on both sides, with fruit-trees, and some pretty tufts of fruit-trees, and arbours with seats, set in some decent order; but these to be by no means set too thick, but to leave the main garden so as it be not close, but the air open and free. For as for shade, I would have you rest upon the alleys of the side grounds, there to walk, if you be disposed, in the heat of the year or day; but to make account, that the main garden is for the more temperate parts of the year; and in the heat of summer, for the morning and the evening, or overcast days.

For aviaries, I like them not, except they be of

that largeness, as they may be turfed, and have living plants and bushes set in them; that the birds may have more scope, and natural nestling, and that no foulness appear in the floor of the aviary.

So I have made a platform of a princely garden, partly by precept, partly by drawing; not a model, but some general lines of it; and in this I have spared for no cost. But it is nothing for great princes, that for the most part, taking advice with workmen, with no less cost set their things together; and sometimes add statues, and such things, for state and magnificence, but nothing to the true pleasure of a garden.

XLVII. OF NEGOTIATING.

It is generally better to deal by speech, than by letter; and by the mediation of a third, than by a man's self. Letters are good, when a man would draw an answer by letter back again; or when it may serve for a man's justification, afterwards to produce his own letter; or where it may be danger to be interrupted, or heard by pieces. To deal in person is good, when a man's face breedeth regard, as commonly with inferiors; or in tender cases, where a man's eye upon the countenance of him with whom he speaketh, may give him a direction how far to go: and generally where a man will reserve to himself liberty, either to disavow or to expound. In choice of instruments, it is better to choose men of a plainer sort, that are like to do that that is committed to them, and to report back again faithfully the success; than those that are cunning to contrive out of other men's business somewhat to grace themselves, and will help the matter in report, for satisfaction sake. Use also such persons as affect the business wherein they are employed, for that quickeneth much; and such as are fit for the matter; as bold men for expostulation, fair-spoken men for persuasion, crafty men for inquiry and observation, froward and absurd men for business that doth not well bear out itself. Use also such as have been lucky, and prevailed before in things wherein you have employed them; for that breeds confidence, and they will strive to maintain their prescription. It is better to sound a person with whom one deals, afar off, than to fall upon the point at first; except you mean to surprise him by some short question. It is better dealing with men in appetite than with those that are where they would be. If a man deal with another upon conditions, the start or first performance is all; which a man cannot reasonably demand, except either the nature of the thing be such which must go before; or else a man can persuade the other party, that he shall still need him in some other thing; or else that he be counted the honester man. All practice is to discover, or to work. Men discover themselves in trust, in passion, at unawares, and of necessity, when they would have somewhat done, and cannot find an apt pretext. If you would work any man, you must either know his nature and fashions, and so lead him; or his ends, and so persuade him; or his weakness and disadvantages, and so awe him; or those that have interest in him, and so govern him. In dealing with cunning per we must ever consider their ends to interpret speeches; and it is good to say little to them that which they least look for. In all negotiatic difficulty, a man may not look to sow and re once; but must prepare business, and so ripen degrees.

XLVIII. OF FOLLOWERS AND FRIEND

Costly followers are not to be liked; lest wl man maketh his train longer, he make his shorter. I reckon to be costly, not them alone charge the purse, but which are wearisome an portune in suits. Ordinary followers ought to lenge no higher conditions than countenance, re mendation, and protection from wrongs. Fac followers are worse to be liked, which follo upon affection to him with whom they range t selves, but upon discontentment conceived ag some other: whereupon commonly ensueth th intelligence that we many times see between personages. Likewise glorious followers, who themselves as trumpets of the commendation of they follow, are full of inconvenience; for they business through want of secrecy; and they e honour from a man, and make him a return in There is a kind of followers likewise, which dangerous, being indeed espials; which inquir secrets of the house, and bear tales of them to ot Yet such men many times are in great favour; they are officious, and commonly exchange The following by certain estates of men answe to that which a great person himself professed of soldiers to him that have been employed in wars, and the like, hath ever been a thing civil well taken even in monarchies; so it be withou much pomp or popularity. But the most honour kind of following, is to be followed as one that prehendeth to advance virtue and desert in all of persons. And yet where there is no eminent in sufficiency, it is better to take with the passable than with the more able. And beside speak truth, in base times active men are of use than virtuous. It is true, that in governm it is good to use men of one rank equally: fo countenance some extraordinarily, is to make t insolent, and the rest discontent; because they claim a due. But contrariwise in favour, to use with much difference and election is good: fo maketh the persons preferred more thankful the rest more officious; because all is of favour is good discretion not to make too much of any at the first; because one cannot hold out that portion. To be governed, as we call it, by on not safe; for it shows softness, and gives a free to scandal and disreputation; for those that w not censure, or speak ill of a man immediately, talk more boldly of those that are so great with th and thereby wound their honour. Yet to be tracted with many, is worse; for it makes men be of the last impression, and full of change. take advice of some few friends is ever honoura for lookers-on many times see more than gamest

d the vale best discovereth the hill. There is little ndship in the world, and least of all between als, which was wont to be magnified. That that is between superior and inferior, whose fortunes y comprehend the one the other.

XLIX. OF SUITORS.

Many ill matters and projects are undertaken; d private suits do putrify the public good. Many d matters are undertaken with bad minds; I n not only corrupt minds, but crafty minds, that d not performance. Some embrace suits, which r mean to deal effectually in them; but if they there may be life in the matter by some other n, they will be content to win a thank, or take ond reward, or at least to make use in the mean of the suitor's hopes. Some take hold of suits for an occasion to cross some other, or to make information, whereof they could not otherwise apt pretext; without care what become of the when that turn is served: or generally, to make r men's business a kind of entertainment to g in their own. Nay, some undertake suits, a full purpose to let them fall; to the end to fy the adverse party or competitor. Surely e is in some sort a right in every suit; either ht of equity, if it be a suit of controversy; or a of desert, if it be a suit of petition. If affection a man to favour the wrong side in justice, let rather use his countenance to compound the r than to carry it. If affection lead a man to r the less worthy in desert, let him do it with- depraying or disabling the better deserved. In which a man doth not well understand, it is to refer them to some friend of trust and judg- , that may report whether he may deal in them honour; but let him choose well his referen- s, for else he may be led by the nose. Suitors oo distasted with delays and abuses, that plain ng in denying to deal in suits at first, and re- g the success barely, and in challenging no e thanks than one hath deserved, is grown not honourable, but also gracious. In suits of fa- , the first coming ought to take little place; so forth consideration may be had of his trust, that, telligence of the matter could not otherwise been had but by him, advantage be not taken e note, but the party left to his other means, in some sort recompensed for his discovery. be ignorant of the value of a suit, is simplicity; well as to be ignorant of the right thereof, is of conscience. Secrecy in suits is a great of obtaining; for voicing them to be in for- ness, may discourage some kind of suitors; but quicken and awake others. But timing of the is the principal; timing, I say, not only in re- t of the person that shall grant it, but in respect those which are like to cross it. Let a man, in the ice of his mean, rather choose the fittest mean than greatest mean: and rather them that deal in cer- things than those that are general. The repara- of a denial is sometimes equal to the first grant; if man show himself neither dejected nor discontented. "Iniquum petas, ut æquum feras," is a good rule, where a man hath strength of favour; but otherwise a man were better rise in his suit; for he that would have ventured at first to have lost the suitor, will not in the conclusion lose both the suitor and his own former favour. Nothing is thought so easy a request to a great person, as his letter; and yet, if it be not in a good cause, it is so much out of his reputation. There are no worse instruments than these general contrivers of suits; for they are but a kind of poison and infection to public proceedings.

L. OF STUDIES.

Studies serve for delight, for ornament, and for ability. Their chief use for delight, is in privateness and retiring; for ornament, is in discourse; and for ability, is in the judgment and disposition of business. For expert men can execute, and perhaps judge of particulars, one by one; but the general counsels, and the plots and marshalling of affairs, come best from those that are learned. To spend too much time in studies, is sloth; to use them too much for ornament, is affectation; to make judgment only by their rules, is the humour of a scholar. They perfect nature, and are perfected by experience: for natural abilities are like natural plants, that need pruning by study; and studies themselves do give forth directions too much at large, except they be bounded in by experience. Crafty men contemn studies; simple men admire them; and wise men use them: for they teach not their own use: but that is a wisdom without them, and above them, won by observation. Read not to contradict and confute; nor to believe and take for granted; nor to find talk and discourse; but to weigh and consider. Some books are to be tasted, others to be swallowed, and some few to be chewed and digested; that is, some books are to be read only in parts; others to be read, but not curiously; and some few to be read wholly, and with diligence and attention. Some books also may be read by deputy, and extracts made of them by others; but that would be only in the less important arguments, and the meaner sort of books: else distilled books are like common distilled waters, flashy things. Reading maketh a full man; conference a ready man; and writing an exact man. And therefore if a man write little, he had need have a great memory; if he confer little, he had need have a present wit; and if he read little, he had need have much cunning, to seem to know that he doth not. Histories make men wise; poets, witty; the mathematics, subtile; natural philosophy, deep; moral, grave; logic and rhetoric, able to contend: "Abeunt studia in mores." Nay, there is no stond or impediment in the wit, but may be wrought out by fit studies; like as diseases of the body may have appropriate exercises: bowling is good for the stone and reins; shooting for the lungs and breast; gentle walking for the stomach; riding for the head; and the like. So if a man's wit be wandering, let him study the mathematics; for in demonstrations, if his wit be called away never so little, he must begin again: if his wit be not

apt to distinguish or find differences, let him study the schoolmen; for they are cymini sectores: if he be not apt to beat over matters, and to call up one thing to prove and illustrate another, let him study the lawyers' cases: so every defect of the mind may have a special receipt.

LI. OF FACTION.

Many have an opinion not wise; that for a prince to govern his estate, or for a great person to govern his proceedings, according to the respect of factions, is a principal part of policy; whereas, contrariwise, the chiefest wisdom is, either in ordering those things which are general, and wherein men of several factions do nevertheless agree, or in dealing with correspondence to particular persons, one by one. But I say not, that the consideration of factions is to be neglected. Mean men, in their rising, must adhere; but great men, that have strength in themselves, were better to maintain themselves indifferent and neutral. Yet even in beginners, to adhere so moderately, as he be a man of the one faction, which is most passable with the other, commonly giveth best way. The lower and weaker faction is the firmer in conjunction: and it is often seen, that a few that are stiff do tire out a greater number that are more moderate. When one of the factions is extinguished, the remaining subdivideth: as the faction between Lucullus and the rest of the nobles of the senate, which they call optimates, held out a while against the faction of Pompey and Cæsar: but when the senate's authority was pulled down, Cæsar and Pompey soon after brake. The faction or party of Antonius and Octavianus Cæsar, against Brutus and Cassius, held out likewise for a time: but when Brutus and Cassius were overthrown, then soon after Antonius and Octavianus brake and subdivided. These examples are of wars, but the same holdeth in private factions. And therefore those that are seconds in factions, do many times, when the faction subdivideth, prove principals: but many times also they prove cyphers and cashiered; for many a man's strength is in opposition, and when that faileth he groweth out of use. It is commonly seen, that men once placed, take in with the contrary faction to that by which they enter; thinking belike that they have the first sure, and now are ready for a new purchase. The traitor in faction lightly goeth away with it: for when matters have stuck long in balancing, the winning of some one man casteth them, and he getteth all the thanks. The even carriage between two factions, proceedeth not always of moderation, but of a trueness to a man's self, with end to make use of both. Certainly in Italy they hold it a little suspect in popes, when they have often in their mouth "Padre commune:" and take it to be sign of one that meaneth to refer all to the greatness of his own house. Kings had need beware how they side themselves, and make themselves as of a faction or party; for leagues within the state are ever pernicious to monarchies; for they raise an obligation paramount to obligation of sovereignty, and make the king "tanquam unus ex nobis;" as was to be seen in the league of France. When factions are carried too high, and too violently, it is a sign of weakness in princes, and much to the prejudice both of their authority and business. The motions of factions under kings ought to be like the motions, as the astronomers speak, of the inferior orbs; which may have their proper motions, but yet still are quietly carried by the higher motion of primum mobile.

LII. OF CEREMONIES AND RESPECTS.

He that is only real, had need have exceeding great parts of virtue; as the stone had need to be rich that is set without foil; but if a man mark it well, it is in praise and commendation of men, as it is in gettings and gains. For the proverb is true, that light gains make heavy purses; for light gains come thick, whereas great come but now and then. So it is true, that small matters win great commendation, because they are continually in use, and in note; whereas the occasion of any great virtue cometh but on festivals: therefore it doth much add to a man's reputation, and is, as queen Isabella said, like perpetual letters commendatory, to have good forms. To attain them, it almost sufficeth not to despise them: for so shall a man observe them in others; and let him trust himself with the rest. For if he labour too much to express them, he shall lose their grace; which is to be natural and unaffected. Some men's behaviour is like a verse, wherein every syllable is measured: how can a man comprehend great matters, that breaketh his mind too much to small observations? Not to use ceremonies at all, is to teach others not to use them again, and so diminisheth respect to himself; especially they be not to be omitted to strangers and formal natures: but the dwelling upon them and exalting them above the moon, is not only tedious, but doth diminish the faith and credit of him that speaks. And certainly there is a kind of conveying of effectual and imprinting passages, amongst compliments, which is of singular use, if a man can hit upon it. Amongst a man's peers, a man shall be sure of familiarity; and therefore it is good a little to keep state. Amongst a man's inferiors one shall be sure of reverence; and therefore it is good a little to be familiar. He that is too much in any thing, so that he giveth another occasion of satiety, maketh himself cheap. To apply one's self to others is good; so it be with demonstration that a man doth it upon regard, and not upon facility. It is a good precept, generally in seconding another, yet to add somewhat of one's own; as if you will grant his opinion, let it be with some distinction; if you will follow his motion, let it be with condition; if you allow his counsel, let it be with alleging farther reason. Men had need beware how they be too perfect in compliments; for be they never so sufficient otherwise; their enviers will be sure to give them that attribute, to the disadvantage of their greater virtues. It is loss also in business, to be too full of respects, or to be too curious in observing times and opportunities: Solomon saith, "He that considereth the wind shall not sow; and

he that looketh to the clouds shall not reap." A wise man will make more opportunities than he finds. Men's behaviour should be like their apparel; not too strait or point device, but free for exercise or motion.

LIII. OF PRAISE.

Praise is the reflexion of virtue: but it is as the sun or body which giveth the reflexion. If it be from the common people, it is commonly false and naught; and rather followeth vain persons than virtuous; for the common people understand not many excellent virtues: the lowest virtues draw praise from them; the middle virtues work in them astonishment or admiration; but of the highest virtues they have no sense or perceiving at all: but works, and species virtutibus similes, serve best with them. Certainly fame is like a river, that beareth up things light and swoln, and drowns things weighty and solid: but if persons of quality and judgment concur, then it is, as the Scripture saith, "Nomen bonum instar unguenti fragrantis." It filleth all round about, and will not easily away: for the odours of ointments are more durable than those of flowers. There be so many false points of praise, that a man may justly hold it a suspect. Some praises proceed merely of flattery; and if he be an ordinary flatterer, he will have certain common attributes, which may serve every man; if he be a cunning flatterer, he will follow the arch-flatterer, which is a man's self; and wherein a man thinketh best of himself, therein the flatterer will uphold him most: and if he be an impudent flatterer, look, wherein a man is conscious to himself that he is most defective, and is most out of countenance in himself, that will the flatterer entitle him to perforce, spretâ conscientiâ. Some praises come of good wishes and respects, which is a form due in civility to kings and great persons; laudando præcipere; when by telling them what they are, they represent to them what they should be. Some men are praised maliciously to their hurt, thereby to stir envy and jealousy towards them: pessimum genus inimicorum laudantes; insomuch as it was a proverb amongst the Greeks, that he that was praised to his hurt, should have a push rise upon his nose; as we say, that a blister will rise upon one's tongue that tells a lie. Certainly moderate praise, used with opportunity, and not vulgar, is that which doth the good. Salomon saith, "He that praiseth his friend aloud, rising early, it shall be to him no better than a curse." Too much magnifying of man or matter, doth irritate contradiction, and procure envy and scorn. To praise a man's self cannot be decent, except it be in some cases: but to praise a man's office or profession, he may do it with good grace, and with a kind of magnanimity. The cardinals of Rome, which are theologues, and friars, and schoolmen, have a phrase of notable contempt and scorn, towards civil business; for they call all temporal business, of wars, embassages, judicature, and other employments, secularie, which is under-sheriffries, as if they were but matters for under-sheriffs and catch-poles; though many times those under-sheriffries do more good than their high speculations. St. Paul, when he boasts of himself, he doth oft interlace, "I speak like a fool;" but speaking of his calling, he saith, "magnificabo apostolatum meum."

LIV. OF VAIN-GLORY.

It was prettily devised of Æsop: The fly sat upon the axle-tree of the chariot-wheel, and said, What a dust do I raise? So are there some vain persons, that whatsoever goeth alone, or moveth upon greater means, if they have never so little hand in it, they think it is they that carry it. They that are glorious must needs be factious; for all bravery stands upon comparisons. They must needs be violent to make good their own vaunts: neither can they be secret, and therefore not effectual; but according to the French proverb, "Beaucoup de bruit, peu de fruit:" Much bruit, little fruit. Yet certainly there is use of this quality in civil affairs: where there is an opinion, and fame to be created, either of virtue or greatness, these men are good trumpeters. Again, as Titus Livius noteth, in the case of Antiochus and the Ætolians, there are sometimes great effects of cross lies; as if a man that negotiates between two princes, to draw them to join in a war against the third, doth extol the forces of either of them above measure, the one to the other: and sometimes he that deals between man and man, raiseth his own credit with both, by pretending greater interest than he hath in either. And in these and the like kinds, it often falls out, that somewhat is produced of nothing; for lies are sufficient to breed opinion, and opinion brings on substance. In military commanders and soldiers, vain-glory is an essential point; for as iron sharpens iron, so by glory one courage sharpeneth another: in cases of great enterprise, upon charge and adventure, a composition of glorious natures doth put life into business; and those that are of solid and sober natures, have more of the ballast than of the sail. In fame of learning, the flight will be slow, without some feathers of ostentation: "Qui de contemnendâ gloriâ libros scribunt, nomen suum inscribunt." Socrates, Aristotle, Galen, were men full of ostentation. Certainly vain-glory helpeth to perpetuate a man's memory; and virtue was never so beholden to human nature, as it received its due at the second hand. Neither had the fame of Cicero, Seneca, Plinius Secundus, borne her age so well, if it had not been joined with some vanity in themselves: like unto varnish, that makes ceilings not only shine but last. But all this while, when I speak of vain-glory, I mean not of that property that Tacitus doth attribute to Mucianus; "omnium, quæ dixerat, feceratque, arte quâdam ostentator:" for that proceeds not of vanity, but of natural magnanimity and discretion: and in some persons, is not only comely but gracious. For excusations, cessions, modesty itself well governed, are but arts of ostentation. And amongst those arts, there is none better than that which Plinius Secundus speaketh of; which is to be liberal of praise and commendation to others, in that wherein

a man's self hath any perfection. For, saith Pliny, very wittily, "in commending another you do yourself right; for he that you commend is either superior to you in that you commend, or inferior. If he be inferior, if he be to be commended, you much more. If he be superior, if he be not to be commended, you much less." Glorious men are the scorn of wise men, the admiration of fools, the idols of parasites, and slaves of their own vaunts.

LV. OF HONOUR AND REPUTATION.

The winning of honour is but the revealing of a man's virtue and worth without disadvantage. For some in their actions do woo and affect honour and reputation; which sort of men are commonly much talked of, but inwardly little admired. And some, contrariwise, darken their virtue in the show of it; so as they be undervalued in opinion. If a man perform that which hath not been attempted before, or attempted and given over; or hath been achieved, but not with so good circumstance: he shall purchase more honour than by affecting a matter of greater difficulty or virtue, wherein he is but a follower. If a man so temper his actions, as in some one of them he doth content every faction or combination of people, the music will be the fuller. A man is an ill husband of his honour that entereth into any action, the failing wherein may disgrace him more than the carrying of it through can honour him. Honour that is gained and broken upon another, hath the quickest reflexion, like diamonds cut with fascets. And therefore let a man contend to excel any competitors of his in honour, in out-shooting them, if he can, in their own bow. Discreet followers and servants help much to reputation: "omnis fama a domesticis emanat." Envy, which is the canker of honour, is best extinguished by declaring a man's self in his ends, rather to seek merit than fame; and by attributing a man's success rather to Divine Providence and felicity, than to his own virtue or policy. The true marshalling of the degrees of sovereign honour, are these. In the first place are conditores imperiorum, founders of states and commonwealths; such as were Romulus, Cyrus, Cæsar, Ottoman, Ismael. In the second place are legislatores, lawgivers, which are also called second founders, or perpetui principes, because they govern by their ordinances, after they are gone: such were Lycurgus, Solon, Justinian, Edgar, Alphonsus of Castile, the wise, that made the Siete partidas. In the third place are liberatores, or salvatores; such as compound the long miseries of civil wars, or deliver their countries from servitude of strangers or tyrants; as Augustus Cæsar, Vespasianus, Aurelianus, Theodoricus, King Henry the seventh of England, King Henry the fourth of France. In the fourth place are propagatores, or propugnatores imperii, such as in honourable wars enlarge their territories, or make noble defence against invaders. And in the last place are patres patriæ, which reign justly, and make the times good wherein they live. Both which last kinds need no examples, they are in such number. Degrees of honour in subjects are; first, participes curarum, those upon whom princes do discharge the greatest weight of their affairs; their right hands, as we call them. The next are duces belli, great leaders; such as are princes' lieutenants, and do them notable services in the wars. The third are gratiosi, favourites; such as exceed not this scantling, to be solace to the sovereign, and harmless to the people: and the fourth, negotiis pares; such as have great places under princes, and execute their places with sufficiency. There is an honour likewise, which may be ranked amongst the greatest, which happeneth rarely; that is, of such as sacrifice themselves to death or danger for the good of their country; as was M. Regulus, and the two Decii.

LVI. OF JUDICATURE.

Judges ought to remember, that their office is jus dicere, and not jus dare; to interpret law, and not to make law, or give law. Else will it be like the authority claimed by the church of Rome; which, under pretext of exposition of Scripture, doth not stick to add and alter; and to pronounce that which they do not find; and by show of antiquity to introduce novelty. Judges ought to be more learned than witty; more reverend than plausible; and more advised than confident. Above all things, integrity is their portion and proper virtue. "Cursed," saith the law, "is he that removeth the land-mark." The mislayer of a mere-stone is to blame: but it is the unjust judge that is the capital remover of land-marks, when he defineth amiss of lands and property. One foul sentence doth more hurt than many foul examples. For these do but corrupt the stream: the other corrupteth the fountain. So saith Solomon: "Fons turbatus, et vena corrupta, est justus cadens in causâ suâ coram adversario." The office of judges may have reference unto the parties that sue; unto the advocates that plead; unto the clerks and ministers of justice underneath them; and to the sovereign or state above them.

First, for the causes or parties that sue. "There be," saith the Scripture, "that turn judgment into wormwood;" and surely there be also that turn it into vinegar: for injustice maketh it bitter, and delays make it sour. The principal duty of a judge is, to suppress force and fraud; whereof force is the more pernicious when it is open; and fraud when it is close and disguised. Add thereto contentious suits, which ought to be spewed out as the surfeit of courts. A judge ought to prepare his way to a just sentence, as God useth to prepare his way, by raising valleys and taking down hills; so when there appeareth on either side a high hand, violent prosecution, cunning advantages taken, combination, power, great counsel, then is the virtue of a judge seen, to make inequality equal; that he may plant his judgment as upon an even ground. "Qui fortiter emungit, elicit sanguinem;" and where the wine-press is hard wrought, it yields a harsh wine, that tastes of the grape-stone. Judges must beware of hard constructions and strained inferences; for there is no worse torture than the torture of laws; especially in case of laws penal they ought to have

care, that that which was meant for terror be not turned into rigour; and that they bring not upon the people that shower whereof the Scripture speaketh, "pluet super eos laqueos:" for penal laws pressed are a shower of snares upon the people. Therefore let penal laws, if they have been sleepers of long, or if they be grown unfit for the present time, be by wise judges confined in the execution; "Judicis officium est, ut res, ita tempora rerum," etc. In causes of life and death, judges ought, as far as the law permitteth, in justice to remember mercy; and to cast a severe eye upon the example, but a merciful eye upon the person.

Secondly, for the advocates and counsel that plead: patience and gravity of hearing is an essential part of justice; and an over-speaking judge is no well-tuned cymbal. It is no grace to a judge, first to find that which he might have heard in due time from the bar; or to show quickness of conceit in cutting off evidence or counsel too short; or to prevent information by questions, though pertinent. The parts of a judge in hearing are four: to direct the evidence; to moderate length, repetition, or impertinency of speech; to recapitulate, select, and collate, the material points of that which hath been said; and to give the rule or sentence. Whatsoever is above these is too much; and proceedeth either of glory and willingness to speak, or of impatience to hear, or of shortness of memory, or of want of a stayed and equal attention. It is a strange thing to see, that the boldness of advocates should prevail with judges; whereas they should imitate God, in whose seat they sit, who "represseth the presumptuous, and giveth grace to the modest." But it is more strange that judges should have noted favourites; which cannot but cause multiplication of fees and suspicion of bye-ways. There is due from the judge to the advocate some commendation and graceing where causes are well handled, and fairly pleaded; especially towards the side which obtaineth not: for that upholds in the client the reputation of his counsel, and beats down in him the conceit of his cause. There is likewise due to the public a civil reprehension of advocates, where there appeareth conning counsel, gross neglect, slight information, indiscreet pressing, or an over-bold defence. And let not the counsel of the bar chop with the judge, nor wind himself into handling of the cause anew, after the judge hath declared his sentence: but on the other side, let not the judge meet the cause half way; nor give occasion to the party to say, his counsel or proofs were not heard.

Thirdly, for that that concerns clerks and ministers. The place of justice is a hallowed place; and therefore not only the bench, but the foot-pace, and precincts, and purprise thereof, ought to be preserved without scandal and corruption. For certainly "grapes," as the Scripture saith, "will not be gathered of thorns or thistles:" neither can justice yield her fruit with sweetness, amongst the briers and brambles of catching and polling clerks and ministers. The attendance of courts is subject to four bad instruments. First, certain persons that are sowers of suits; which make the court swell, and the country pine. The second sort is of those that engage courts in quarrels of jurisdiction, and are not truly amici curiæ, but parasiti curiæ, in puffing a court up beyond her bounds, for their own scraps and advantage. The third sort is of those that may be accounted the left hands of courts; persons that are full of nimble and sinister tricks and shifts, whereby they pervert the plain and direct courses of courts, and bring justice into oblique lines and labyrinths. And the fourth is, the poller and exacter of fees; which justifies the common resemblance of the courts of justice to the bush, whereunto while the sheep flies for defence in weather, he is sure to lose part of his fleece. On the other side, an ancient clerk, skilful in precedents, wary in proceeding, and understanding in the business of the court, is an excellent finger of a court, and doth many times point the way to the judge himself.

Fourthly, for that which may concern the sovereign and estate. Judges ought above all to remember the conclusion of the Roman twelve tables; "salus populi suprema lex;" and to know that laws, except they be in order to that end, are but things captious, and oracles not well inspired. Therefore it is a happy thing in a state when kings and states do often consult with judges; and again, when judges do often consult with the king and state; the one, when there is matter of law intervenient in business of state; the other, when there is some consideration of state intervenient in matter of law. For many times the things deduced to judgment may be meum and tuum, when the reason and consequence thereof may trench to point of estate: I call matter of estate, not only the parts of sovereignty, but whatsoever introduceth any great alteration, or dangerous precedent; or concerneth manifestly any great portion of people. And let no man weakly conceive, that just laws and true policy have any antipathy; for they are like the spirits and sinews, that one moves with the other. Let judges also remember, that Solomon's throne was supported by lions on both sides; let them be lions, but yet lions under the throne; being circumspect that they do not check or oppose any points of sovereignty. Let not judges also be so ignorant of their own right, as to think there is not left to them, as a principal part of their office, a wise use and application of laws. For they may remember what the apostle saith of a greater law than theirs, "Nos scimus quia lex bona est, modo quis eâ utatur legitime."

LVII. OF ANGER.

To seek to extinguish anger utterly, is but a bravery of the Stoics. We have better oracles: "Be angry, but sin not. Let not the sun go down upon your anger." Anger must be limited and confined, both in race and in time. We will first speak, how the natural inclination and habit, to be angry, may be attempered and calmed. Secondly, how the particular motions of anger may be repressed, or at least refrained from doing mischief. Thirdly, how to raise anger, or appease anger, in another.

For the first, there is no other way, but to meditate and ruminate well upon the effects of anger, how it troubles man's life. And the best time to do this, is to look back upon anger when the fit is thoroughly over. Seneca saith; That anger is like ruin, which breaks itself upon that it falls. The Scripture exhorteth us "to possess our souls in patience." Whosoever is out of patience, is out of possession of his soul. Men must not turn bees;

——"Animasque in vulnere ponunt."

Anger is certainly a kind of baseness; as it appears well in the weakness of those subjects in whom it reigns; children, women, old folks, sick folks. Only men must beware, that they carry their anger rather with scorn, than with fear; so that they may seem rather to be above the injury, than below it. Which is a thing easily done, if a man will give law to himself in it.

For the second point, the causes and motives of anger are chiefly three. First, to be too sensible of hurt; for no man is angry that feels not himself hurt: and therefore tender and delicate persons must needs be oft angry; they have so many things to trouble them, which more robust natures have little sense of. The next is, the apprehension and construction of the injury offered to be, in the circumstances thereof, full of contempt. For contempt is that which putteth an edge upon anger, as much or more than the hurt itself. And therefore when men are ingenious in picking out circumstances of contempt, they do kindle their anger much. Lastly, opinion of the touch of a man's reputation doth multiply and sharpen anger. Wherein the remedy is, that a man should have, as Consalvo was wont to say, "telam honoris crassiorem." But in all refrainings of anger, it is the best remedy to win time; and to make a man's self believe, that the opportunity of his revenge is not yet come: but that he foresees a time for it, and so to still himself in the mean time, and reserve it. To contain anger from mischief, though it take hold of a man, there be two things whereof you must have special caution. The one, of extreme bitterness of words, especially if they be aculeate and proper; for communia maledicta are nothing so much: and again, that in anger a man reveal no secrets; for that makes him not fit for society. The other, that you do not peremptorily break off, in any business, in a fit of anger; but howsoever you show bitterness, do not act any thing that is not revocable.

For raising and appeasing anger in another; it is done chiefly by choosing of times. When men are frowardest and worst disposed, to incense them. Again, by gathering, as was touched before, all that you can find out to aggravate the contempt: and the two remedies are by the contraries. The former to take good times, when first to relate to a man an angry business; for the first impression is much. And the other is, to sever, as much as may be, the construction of the injury from the point of contempt; imputing it to misunderstanding, fear, passion, or what you will.

LVIII. OF VICISSITUDE OF THINGS.

Solomon saith, "There is no new thing upon t earth:" so that as Plato had an imagination, that knowledge was but remembrance; so Solomon gi eth his sentence, "that all novelty is but oblivion Whereby you may see, that the river of Lethe ru neth as well above ground as below. There is abstruse astrologer, that saith, if it were not for t things that are constant (the one is, that the fix stars ever stand at like distance one from anothe and never come nearer together, nor go farther asu der; the other, that the diurnal motion perpetual keepeth time) no individual would last one momen Certain it is, that the matter is in a perpetual flu and never at a stay. The great winding-sheets, th bury all things in oblivion, are two: deluges, a earthquakes. As for conflagrations, and gre droughts, they do merely dispeople and destro Phaeton's car went but a day. And the three yea drought in the time of Elias, was but particular, a left people alive. As for the great burnings lightnings, which are often in the West Indies, th are but narrow. But in the other two destruction by deluge and earthquake, it is farther to be note that the remnant of people which hap to be reserve are commonly ignorant and mountainous peopl that can give no account of the time past; so th the oblivion is all one, as if none had been left. you consider well of the people of the West Indie it is very probable that they are a newer or younger people than the people of the old world and it is much more likely, that the destruction th hath heretofore been there, was not by earthquake (as the Ægyptian priest told Solon, concerning t island of Atlantis, that it was swallowed by an earth quake,) but rather, that it was desolated by a part cular deluge; for earthquakes are seldom in tho parts: but, on the other side, they have such pou ing rivers, as the rivers of Asia, and Africa, an Europe, are but brooks to them. Their Andes lik wise, or mountains, are far higher than those wit us; whereby it seems, that the remnants of gener tions of men were in such a particular deluge save As for the observation that Machiavel hath, that th jealousy of sects doth much extinguish the memor of things; traducing Gregory the Great, that h did what in him lay to extinguish all heathen ant quities; I do not find that those zeals do any gre effects, nor last long; as it appeared in the suc cession of Sabinian, who did revive the form antiquities.

The vicissitude or mutations in the superior glob are no fit matter for this present argument. It me be, Plato's great year, if the world should last s long, would have some effect, not in renewing th state of like individuals, (for that is the fume those, that conceive the celestial bodies have mo accurate influences upon these things below tha indeed they have,) but in gross. Comets, out question, have likewise power and effect over th gross and mass of things: but they are rather gaz upon, and waited upon in their journey, than wit

observed in their effects; especially in their respective effects: that is, what kind of comet, for magnitude, colour, version of the beams, placing in the region of heaven, or lasting, produceth what kinds of effects.

There is a toy, which I have heard, and I would not have it given over, but waited upon a little. They say it is observed in the Low Countries, I know not in what part, that every five and thirty years, the same kind and suit of years and weathers comes about again; as great frost, great wet, great droughts, warm winters, summers with little heat, and the like; and they call it the prime. It is a thing I do the rather mention, because, computing backwards, I have found some concurrence.

But to leave these points of nature, and to come to men. The greatest vicissitude of things amongst men is the vicissitude of sects and religions; for those orbs rule in men's minds most. The true religion is built upon the rock; the rest are tossed upon the waves of time. To speak therefore of the causes of new sects, and to give some counsel concerning them, as far as the weakness of human judgment can give stay to so great revolutions:

When the religion formerly received is rent by discords; and when the holiness of the professors of religion is decayed and full of scandal; and withal the times be stupid, ignorant, and barbarous, you may doubt the springing up of a new sect; if then also there should arise any extravagant and strange spirit to make himself author thereof: all which points held when Mahomet published his law. If a new sect have not two properties, fear it not; for it will not spread. The one is the supplanting, or the opposing of authority established; for nothing is more popular than that. The other is the giving licence to pleasures and a voluptuous life. For as for speculative heresies, such as were in ancient times the Arians, and now the Arminians, though they work mightily upon men's wits, yet they do not produce any great alterations in states; except it be by the help of civil occasions. There be three manner of plantations of new sects: by the power of signs and miracles; by the eloquence and wisdom of speech and persuasion; and by the sword. For martyrdoms, I reckon them amongst miracles; because they seem to exceed the strength of human nature; and I may do the like of superlative and admirable holiness of life. Surely there is no better way to stop the rising of new sects and schisms, than to reform abuses; to compound the smaller differences; to proceed mildly, and not with sanguinary persecutions; and rather to take off the principal authors, by winning and advancing them, than to enrage them by violence and bitterness.

The changes and vicissitudes in wars are many; but chiefly in three things: in the seats or stages of the war; in the weapons; and in the manner of the conduct. Wars, in ancient time, seemed more to move from east to west: for the Persians, Assyrians, Arabians, Tartars, which were the invaders, were all eastern people. It is true, the Gauls were western; but we read but of two incursions of theirs; the one to Gallo-Græcia, the other to Rome. But east and west have no certain points of heaven; and no more have the wars, either from the east or west, any certainty of observation. But north and south are fixed: and it hath seldom or never been seen, that the far southern people have invaded the northern, but contrariwise; whereby it is manifest, that the northern tract of the world is in nature the more martial region; be it in respect of the stars of that hemisphere, or of the great continents that are upon the north; whereas the south part, for ought that is known, is almost all sea; or (which is most apparent) of the cold of the northern parts; which is that which, without aid of discipline, doth make the bodies hardest, and the courages warmest.

Upon the breaking and shivering of a great state and empire, you may be sure to have wars. For great empires, while they stand, do enervate and destroy the forces of the natives which they have subdued, resting upon their own protecting forces; and then when they fail also, all goes to ruin, and they become a prey. So was it in the decay of the Roman empire, and likewise in the empire of Almaigne, after Charles the Great, every bird taking a feather; and were not unlike to befall to Spain, if it should break. The great accessions and unions of kingdoms do likewise stir up wars. For when a state grows to an over-power, it is like a great flood, that will be sure to overflow. As it hath been seen in the states of Rome, Turkey, Spain, and others. Look, when the world hath fewest barbarous people, but such as commonly will not marry or generate, except they know means to live, as it is almost every where at this day, except Tartary, there is no danger of inundations of people: but when there be great shoals of people which go on to populate, without foreseeing means of life and sustentation, it is of necessity that once in an age or two they discharge a portion of their people upon other nations; which the ancient northern people were wont to do by lot; casting lots what part should stay at home, and what should seek their fortunes. When a warlike state grows soft and effeminate, they may be sure of a war. For commonly such states are grown rich in the time of their degenerating; and so the prey inviteth, and their decay in valour encourageth a war.

As for the weapons, it hardly falleth under rule and observation; yet we see, even they have returns and vicissitudes. For certain it is, that ordnance was known in the city of the Oxidraces in India; and was that which the Macedonians called thunder and lightning, and magic. And it is well known, that the use of ordnance have been in China above two thousand years. The conditions of weapons, and their improvements, are, first, the fetching afar off; for that outruns the danger; as it is seen in ordnance and muskets. Secondly, the strength of the percussion; wherein likewise ordnance do exceed all arietations and ancient inventions. The third is, the commodious use of them; as that they may serve in all weathers; that the carriage may be light and manageable; and the like.

For the conduct of the war: at the first, men rested extremely upon number; they did put the

wars likewise upon main force and valour, pointing days for pitched fields, and so trying it out upon an even match: and they were more ignorant in ranging and arraying their battles. After, they grew to rest upon number rather competent than vast; they grew to advantages of place, cunning diversions, and the like; and they grew more skilful in the ordering of their battles.

In the youth of a state, arms do flourish; in the middle age of a state, learning; and then both of them together for a time: in the declining age of a state, mechanical arts and merchandise. Learning hath its infancy, when it is but beginning and almost childish: then its youth, when it is luxuriant and juvenile: then its strength of years, when it is solid and reduced: and lastly, its old age, when it waxeth dry and exhaust. But it is not good to look too long upon these turning wheels of vicissitude, lest we become giddy. As for the philology of them, that is but a circle of tales, and therefore not fit for this writing.

OF A KING.

1. A king is a mortal god on earth, unto whom the living God hath lent his own name as a great honour; but withal told him, he should die like a man, lest he should be proud and flatter himself, that God hath with his name imparted unto him his nature also.

2. Of all kind of men, God is the least beholden unto them; for he doth most for them, and they do ordinarily least for him.

3. A king that would not feel his crown too heavy for him, must wear it every day; but if he think it too light, he knoweth not of what metal it is made.

4. He must make religion the rule of government, and not to balance the scale; for he that casteth in religion only to make the scales even, his own weight is contained in those characters, "Mene, mene, tekel, upharsin," "He is found too light, his kingdom shall be taken from him."

5. And that king that holds not religion the best reason of state, is void of all piety and justice, the supporters of a king.

6. He must be able to give counsel himself, but not rely thereupon; for though happy events justify their counsels, yet it is better that the evil event of good advice be rather imputed to a subject than a sovereign.

7. He is the fountain of honour, which should not run with a waste pipe, lest the courtiers sell the water, and then, as papists say of their holy wells, it loses the virtue.

8. He is the life of the law, not only as he is lex loquens himself, but because he animateth the dead letter, making it active towards all his subjects prœmio et pœna.

9. A wise king must do less in altering his laws than he may; for new government is ever dangerous. It being true in the body politic, as in the corporal, that "omnis subita immutatio est periculosa;" and though it be for the better, yet it is not without a fearful apprehension; for he that changeth the fundamental laws of a kingdom, thinketh there is i good title to a crown, but by conquest.

10. A king that setteth to sale seats of justic oppresseth the people; for he teacheth his jodg to sell justice; and "pretio parata pretio vendit justitia."

11. Bounty and magnificence are virtues ve regal, but a prodigal king is nearer a tyrant than parsimonious; for store at home draweth not h contemplations abroad: but want supplieth itself what is next, and many times the next way: king herein must be wise, and know what he m justly do.

12. That king which is not feared, is not love and he that is well seen in his craft, must as w study to be feared as loved; yet not loved for fe but feared for love.

13. Therefore, as he must always resemble Hi whose great name he beareth, and that as in ma festing the sweet influence of his mercy on the seve stroke of his justice sometimes, so in this not suffer a man of death to live; for besides that t land doth mourn, the restraint of justice towards a doth more retard the affection of love, than the e tent of mercy doth inflame it: and sure where love [ill] bestowed, fear is quite lost.

14. His greatest enemies are his flatterers; f though they ever speak on his side, yet their wor still make against him.

15. The love which a king oweth to a weal pu lic, should not be over-strained to any one particula yet that his more special favour do reflect upon soc worthy ones, is somewhat necessary, because the are few of that capacity.

16. He must have a special care of five thing if he would not have his crown to be but to him i felix felicitas.

First, that simulata sanctitas be not in the chur for that is duplex iniquitas.

Secondly, that inutilis æquitas sit not in the cha cery; for that is inepta misericordia.

Thirdly, that utilis iniquitas keep not the e chequer; for that is crudele latrocinium.

Fourthly, that fidelis temeritas be not his general for that will bring but seram pœnitentiam.

Fifthly, that infidelis prudentia be not his secr tary; for that is anguis sub viridi herba.

To conclude; as he is of the greatest powe so he is subject to the greatest cares, made th servant of his people, or else he were without calling at all.

He then that honoureth him not is next a atheist, wanting the fear of God in his heart.

A FRAGMENT OF AN ESSAY OF FAME.

The poets make Fame a monster. They describ her in part finely and elegantly; and in part grave and sententiously. They say, Look, how man feathers she hath, so many eyes she hath und neath, so many tongues, so many voices, she pri up so many ears.

This is a flourish: there follow excellent parabl as, that she gathereth strength in going; that sh

goeth upon the ground, and yet hideth her head in the clouds; that in the day-time she sitteth in a watch-tower, and flieth most by night; that she mingleth things done with things not done; and that she is a terror to great cities. But that which passeth all the rest is, they do recount that the Earth, mother of the giants, that made war against Jupiter, and were by him destroyed, thereupon in anger brought forth Fame; for certain it is that rebels, figured by the giants, and seditious fames and libels, are but brothers and sisters, masculine and feminine. But now if a man can tame this monster, and bring her to feed at the hand, and govern her, and with her fly other ravening fowl, and kill them, it is somewhat worth. But we are infected with the style of the poets. To speak now in a sad and a serious manner; there is not in all the politics a place less handled, and more worthy to be handled, than this of fame. We will therefore speak of these points: what are false fames; and what are true fames; and how they may be best discerned; how fames may be sown and raised; how they may be spread and multiplied; and how they may be checked and laid dead. And other things concerning the nature of fame. Fame is of that force, as there is scarcely any great action wherein it hath not a great part, especially in the war. Mucianus undid Vitellius, by a fame that he scattered, that Vitellius had in purpose to remove the legions of Syria into Germany, and the legions of Germany into Syria; whereupon the legions of Syria were infinitely inflamed. Julius Cæsar took Pompey unprovided, and laid asleep his industry and preparations, by a fame that he cunningly gave out, how Cæsar's own soldiers loved him not; and being wearied with the wars, and laden with the spoils of Gaul, would forsake him as soon as he came into Italy. Livia settled all things for the succession of her son Tiberius, by continual giving out that her husband Augustus was upon recovery and amendment. And it is a usual thing with the bashaws, to conceal the death of the Great Turk from the janizaries and men of war, to save the sacking of Constantinople and other towns, as their manner is. Themistocles made Xerxes, king of Persia, post apace out of Grecia, by giving out that the Grecians had a purpose to break his bridge of ships which he had made athwart the Hellespont. There be a thousand such like examples, and the more they are the less they need to be repeated, because a man meeteth with them every where: therefore let all wise governors have as great a watch and care over fames, as they have of the actions and designs themselves.

[*The rest was not finished.*]

A

COLLECTION OF APOPHTHEGMS,

NEW AND OLD.

HIS LORDSHIP'S PREFACE.

JULIUS CÆSAR did write a collection of apophthegms, as appears in an epistle of Cicero; so did Macrobius, a consular man. I need say no more for the worth of a writing of that nature. It is pity Cæsar's book is lost; for I imagine they were collected with judgment and choice; whereas that of Plutarch and Stobæus, and much more the modern ones, draw much of the dregs. Certainly they are of excellent use. They are mucrones verborum, pointed speeches. "The words of the wise are as goads," saith Solomon. Cicero prettily calleth them salinas, salt-pits, that you may extract salt out of, and sprinkle it where you will. They serve to be interlaced in continued speech. They serve to be recited upon occasion of themselves. They serve if you take out the kernel of them, and make them your own. I have, for my recreation amongst more serious studies, collected some few of them:* therein fanning the old; not omitting any because they are vulgar, for many vulgar ones are excellent good; not for the meanness of the person, but because they are dull and flat; and adding many new, that otherwise would have died.

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1. QUEEN ELIZABETH, the morrow of her coronation, it being the custom to release prisoners at the inauguration of a prince, went to the chapel; and in the great chamber, one of her courtiers, who was well known to her, either out of his own motion, or by the instigation of a wiser man, presented her with a petition; and before a great number of courtiers, besought her with a loud voice, "That now this good time, there might be four or five principal prisoners more released: those were the four evangelists and the apostle St. Paul, who had been long shut up in an unknown tongue, as it were in prison; so as they could not converse with the common people. The Queen answered very gravely, "That it was best first to inquire of them, whether they would be released or no."

2. Queen Ann Bullen, at the time when she was led to be beheaded in the Tower, called one of the king's privy chamber to her, and said unto him, "Commend me to the king, and tell him, that he hath been ever constant in his course of advancing me: from a private gentlewoman he made me a marchioness, and from a marchioness a queen; and now, that he hath left no higher degree of earthly honour, he intends to crown my innocency with the glory of martyrdom."

3. His majesty James the first, king of Great Britain, having made unto his parliament an excellent and large declaration, concluded thus; "I have now given you a clear mirrour of my mind; use it therefore like a mirrour, and take heed how you let it fall, or how you soil it with your breath."

4. A great officer in France was in danger to have lost his place; but his wife, by her suit and means making, made his peace; whereupon a pleasant fellow said, "That he had been crushed, but that he saved himself upon his horns."

5. His majesty said to his parliament at another time, finding there were some causeless jealousies sown amongst them; "That the king and his people, whereof the parliament is the representative body, were as husband and wife; and therefore that of all other things jealousy was between them most pernicious."

6. His majesty, when he thought his council might note in him some variety in businesses, though indeed he remained constant, would say, "That the sun many times shineth watery; but it is not the sun which causeth it, but some cloud rising betwixt us and the sun: and when that is scattered, the sun is as it was, and comes to his former brightness."

7. His majesty, in his answer to the book of the

* This collection his lordship made out of his memory, without turning any book.—*Rawley*.

cardinal Evereux, who had in a grave argument of divinity sprinkled many witty ornaments of poesy and humanity, saith; "That these flowers were like blue, and yellow, and red flowers in the corn, which make a pleasant show to those that look on, but they hurt the corn."

8. Sir Edward Coke being vehement against the two provincial councils of Wales, and the north, said to the king; "There was nothing there but a kind of confusion and hotch-potch of justice: one while they were a star-chamber; another while a king's bench; another, a common pleas; another, a commission of oyer and terminer." His majesty answered; "Why, Sir Edward Coke, they be like houses in progress, where I have not, nor can have, such distinct rooms of state, as I have here at Whitehall, or at Hampton-court."

9. The commissioners of the treasury moved the king, for the relief of his estate, to disafforest some forests of his, explaining themselves of such forests as lay out of the way, not near any of the king's houses, nor in the course of his progress; whereof he should never have use nor pleasure. "Why," saith the king, "do you think that Solomon had use and pleasure of all his three hundred concubines?"

10. His majesty, when the committees of both houses of parliament presented unto him the instrument of union of England and Scotland, was merry with them; and amongst other pleasant speeches, showed unto them the laird of Lawreston, a Scotchman, who was the tallest and greatest man that was to be seen, and said, "Well, now we are all one, yet none of you will say but here is one Scotchman greater than any Englishman;" which was an ambiguous speech; but it was thought he meant it of himself.

11. His majesty would say to the lords of his council, when they sat upon any great matter, and came from council in to him, "Well, you have sat, but what have you hatched?"

12. When the archduke did raise his siege from the Grave, the then secretary came to queen Elizabeth. The queen, having first intelligence thereof, said to the secretary, "Wot you what; The archduke has risen from the Grave." He answered, "What, without the trumpet of the archangel?" The queen replied, "Yes, without the sound of trumpet."

13. Queen Elizabeth was importuned much by my lord of Essex, to supply divers great offices that had been long void; the queen answered nothing to the matter; but rose up on a sudden, and said, "I am sure my office will not be long void." And yet at that time there was much speech of troubles, and divisions about the crown, to be after her decease; but they all vanished; and king James came in, in a profound peace.

14. The council did make remonstrance unto queen Elizabeth of the continual conspiracies against her life; and namely, that a man was lately taken, who stood ready in a very dangerous and suspicious manner to do the deed: and they showed her the weapon wherewith he thought to have acted it. And therefore they advised her that she should go less abroad to take the air, weakly attended, as she used. But the queen answered; "That she had rather be dead, than put in custody."

15. The lady Paget, that was very private with queen Elizabeth, declared herself much against the match with Monsieur. After Monsieur's death, the queen took extreme grief, at least as she made show, and kept in within her bed-chamber and one ante-chamber for three weeks space, in token of mourning: at last she came forth into the privy-chamber, and admitted her ladies to have access unto her; and amongst the rest my lady Paget presented herself, and came to her with a smiling countenance. The queen bent her brows, and seemed to be highly displeased, and said to her, "Madam, you are not ignorant of my extreme grief, and do you come to me with a countenance of joy?" My lady Paget answered, "Alas, if it please your majesty, it is impossible for me to be absent from you three weeks, but that when I see you, I must look cheerfully." "No, no," said the queen, not forgetting her former averseness to the match, "you have some other conceit in it, tell me plainly." My lady answered, "I must obey you; it is this. I was thinking how happy your majesty was, you married not Monsieur; for seeing you take such thought for his death, being but your friend; if he had been your husband, sure it would have cost you your life."

16. Henry the Fourth of France his queen was young with child; count Soissons, that had his expectation upon the crown, when it was twice or thrice thought that the queen was with child before, said to some of his friends, "That it was but with a pillow." This had someways come to the king's ear; who kept it till such time as the queen waxed great: then he called the count of Soissons to him, and said, laying his hand upon the queen's belly; "Come, cousin, is this a pillow?"—The count of Soissons answered, "Yes, sir, it is a pillow for all France to sleep upon."

17. King Henry the fourth of France was so punctual of his word, after it was once passed, that they called him "The king of the faith."

18. The said king Henry the fourth was moved by his parliament to a war against the protestants: he answered, "Yes, I mean it; I will make every one of you captains; you shall have companies assigned you." The parliament observing whereunto his speech tended, gave over, and deserted his motion.

19. Queen Elizabeth was wont to say, upon the commission of sales, "That the commissioners used her like strawberry wives, that laid two or three great strawberries at the mouth of their pot, and all the rest were little ones; so they made her two or three good prizes of the first particulars, but fell straightways."

20. Queen Elizabeth used to say of her instructions to great officers, "That they were like to garments, strait at the first putting on, but did by and by wear loose enough."

21. A great officer at court, when my lord of Essex was first in trouble; and that he and those

that dealt for him would talk much of my lord's friends, and of his enemies, answered to one of them, "I will tell you, I know but one friend and one enemy my lord hath, and that one friend is the queen, and that one enemy is himself."

22. The book for deposing king Richard the second, and the coming in of Henry the fourth, supposed to be written by Dr. Hayward, who was committed to the Tower for it, had much incensed queen Elizabeth; and she asked Mr. Bacon, being then of her counsel learned, "Whether there were any treason contained in it?" Who intending to do him a pleasure, and to take off the queen's bitterness with a merry conceit, answered, "No, Madam, for treason I cannot deliver an opinion that there is any, but very much felony." The queen, apprehending it gladly, asked, "How? and wherein?" Mr. Bacon answered, "Because he had stolen many of his sentences and conceits out of Cornelius Tacitus."

23. Queen Elizabeth being to resolve upon a great officer, and being by some, that canvassed for others, put in some doubt of that person whom she meant to advance, called for Mr. Bacon, and told him, "She was like one with a lanthorn seeking a man;" and seemed unsatisfied in the choice she had of a man for that place. Mr. Bacon answered her, "That he had heard that in old time there was usually painted on the church walls the day of doom, and God sitting in judgment, and St. Michael by him, with a pair of balances; and the soul and the good deeds in the one balance, and the faults and the evil deeds in the other: and the soul's balance went up far too light. Then was our lady painted with a great pair of beads, who cast them into the light balance, and brought down the scale: so, he said, place and authority, which were in her majesty's hands to give, were like our lady's beads, which though men, through any imperfections, were too light before, yet when they were cast in, made weight competent."

24. Queen Elizabeth was dilatory enough in suits, of her own nature; and the lord treasurer Burleigh being a wise man, and willing therein to feed her humour, would say to her; "Madam, you do well to let suitors stay; for I shall tell you, 'bis dat, qui cito dat;' if you grant them speedily, they will come again the sooner."

25. Sir Nicholas Bacon, who was keeper of the great seal of England, when queen Elizabeth in her progress came to his house at Gorhambury, and said to him, "My lord, what a little house have you gotten!" answered her, "Madam, my house is well, but it is you that have made me too great for my house."

26. There was a conference in parliament between the lords' house and the house of commons, about a bill of accountants, which came down from the lords to the commons; which bill prayed, That the lands of accountants, whereof they were seized when they entered upon their office, might be liable to their arrears to the queen. But the commons desired, That the bill might not look back to accountants that were already, but extend only to accountants hereafter. But the lord treasurer said, "Why, I pray you, if you had lost your purse by the way, would you look forwards, or would you look back? The queen hath lost her purse."

27. The lord keeper, Sir Nicholas Bacon, was asked his opinion by my lord of Leicester concerning two persons whom the queen seemed to think well of: "By my troth, my lord, said he, the one is a grave counsellor; the other is a proper young man; and so he will be as long as he lives."

28. My lord of Leicester, favourite to queen Elizabeth, was making a large chace about Cornbury-park; meaning to enclose with posts and rails; and one day was casting up his charge what it would come to. Mr. Goldingham, a free spoken man, stood by, and said to my lord, "Methinks your lordship goeth not the cheapest way to work." "Why, Goldingham?" said my lord. "Marry, my lord," said Goldingham, "count you but upon the posts, for the country will find you railing."

29. The lord keeper, Sir Nicholas Bacon, was asked his opinion by queen Elizabeth of one of these monopoly licences? And he answered, "Madam, will you have me speak the truth? Licentia omnes deteriores sumus." We are all the worse for licences.

30. My lord of Essex, at the succour of Roan, made twenty-four knights, which at that time was a great number. Divers of those gentlemen were of weak and small means; which when queen Elizabeth heard, she said, "My lord might have done well to have built his alms-house, before he made his knights."

31. The deputies of the reformed religion, after the massacre which was at Paris upon St. Bartholomew's day, treated with the king and queen-mother, and some other of the council, for a peace. Both sides were agreed upon the articles. The question was, upon the security for the performance. After some particulars propounded and rejected, the queen-mother said, "Why, is not the word of a king sufficient security?" One of the deputies answered, "No, by St. Bartholomew, Madam."

32. There was a French gentleman speaking with an English, of the law Salique; that women were excluded from inheriting the crown of France. The English said, "Yes; but that was meant of the women themselves, not of such males as claimed by women." The French gentleman said, "Where do you find that gloss?" The English answered, "I'll tell you, Sir: look on the backside of the record of the law Salique, and there you shall find it indorsed:" implying there was no such thing as the law Salique, but that it is a mere fiction.

33. A friar of France, being in an earnest dispute about the law Salique, would needs prove it by Scripture; citing that verse of the Gospel; "Lilia agri non laborant neque nent:" the lilies of the field do neither labour nor spin; applying it thus: That the flower-de-luces of France cannot descend, neither to the distaff, nor to the spade: that is, not to a woman, nor to a peasant.

34. When peace was renewed with the French in England, divers of the great counsellors were pre-

sented from the French with jewels: the lord Henry Howard, being then earl of Northampton, and a counsellor, was omitted. Whereupon the king said to him, "My lord, how happens it that you have not a jewel as well the rest?" My lord answered, according to the fable in Æsop; "Non sum Gallus, atque non reperi gemmam."

35. The same earl of Northampton, then lord privy seal, was asked by king James, openly at the table, where commonly he entertained the king with discourse; the king asked him upon the sudden, "My lord, have you not a desire to see Rome?" My lord privy seal answered, "Yes indeed, Sir." The king said, "And why?" My lord answered, "Because, if it please your majesty, it was the seat of the greatest monarchy, and the seminary of the bravest men of the world, whilst it was heathen: and then, secondly, because afterwards it was the see of so many holy bishops in the primitive church, most of them martyrs." The king would not give it over, but said, "And for nothing else?" My lord answered, "Yes, if it please your majesty, for two things more: the one, to see him, who, they say, hath so great power to forgive other men their sins, to confess his own sins upon his knees before a chaplain or priest: and the other, to hear antichrist say his creed."

36. Sir Nicholas Bacon being appointed a judge for the northern circuit, and having brought his trials that came before him to such a pass, as the passing of sentence on malefactors, he was by one of the malefactors mightily importuned for to save his life; which when nothing that he had said did avail, he at length desired his mercy on account of kindred. "Prithee," said my lord judge, "how came that in?" "Why, if it please you, my lord, your name is Bacon, and mine is Hog, and in all ages Hog and Bacon have been so near kindred, that they are not to be separated." "Ay, but," replied judge Bacon, "you and I cannot be kindred except you be hanged; for Hog is not Bacon until it be well hanged."

37. Two scholars and a countryman travelling upon the road, one night lodged all in one inn, and supped together, where the scholars thought to have put a trick upon the countryman, which was thus: the scholars appointed for supper two pigeons, and a fat capon, which being ready was brought up, and they having set down, the one scholar took up one pigeon, the other scholar took the other pigeon, thinking thereby that the countryman should have sat still, until that they were ready for the carving of the capon; which he perceiving, took the capon and laid it on his trencher, and thus said, "Daintily contrived, every man a bird."

38. Jack Roberts was desired by his tailor, when the reckoning grew somewhat high, to have a bill of his hand. Roberts said, "I am content, but you must let no man know it." When the tailor brought him the bill, he tore it as in choler, and said to him, "You use me not well; you promised me that no man should know it, and here you have put in, 'Be it known unto all men by these presents.'"

39. Sir Walter Raleigh was wont to say of the ladies of queen Elizabeth's privy-chamber and bedchamber, "that they were like witches, they could do no hurt, but they could do no good."

40. There was a minister deprived for inconformity, who said to some of his friends, "that if they deprived him, it should cost a hundred men's lives." The party understood it, as if, being a turbulent fellow, he would have moved sedition, and complained of him; whereupon being convented and apposed upon that speech, he said his meaning was, "that if he lost his benefice, he would practise physic, and then he thought he should kill a hundred men in time."

41. Secretary Bourn's son kept a gentleman's wife in Shropshire, who lived from her husband, with him: when he was weary of her, he caused her husband to be dealt with to take her home, and offered him five hundred pounds for reparation: the gentleman went to Sir H. Sidney to take his advice upon this offer, telling him, "that his wife promised now a new life; and, to tell him truth, five hundred pounds would come well with him; and besides, that sometimes he wanted a woman in his bed." "By my troth," said Sir Henry Sidney, "take her home, and take the money: then whereas other cuckolds wear their horns plain, you may wear yours gilt."

42. When Rabelais, the great jester of France, lay on his death-bed, and they gave him the extreme unction, a familiar friend came to him afterwards, and asked him how he did? Rabelais answered, "Even going my journey, they have greased my boots already."

43. Mr. Bromley, solicitor, giving in evidence for a deed, which was impeached to be fraudulent, was urged by the counsel on the other side with his presumption, That in two former suits, when title was made, that deed was passed over in silence, and some other conveyance stood upon. Mr. Justice Catline taking in with that side asked the solicitor, "I pray thee, Mr. Solicitor, let me ask you a familiar question; I have two geldings in my stable; I have divers times business of importance, and still I send forth one of my geldings, and not the other; would you not think I set him aside for a jade?" "No, my lord," said Bromley, "I would think you spared him for your own saddle."

44. Thales, as he looked upon the stars, fell towards water; whereupon it was after said, "that if he had looked into the water he might have seen the stars, but looking up to the stars he could not see the water."

45. A man and his wife in bed together, she towards morning pretended herself to be ill at ease, desiring to lie on her husband's side; so the good man, to please her, came over her, making some short stay in his passage over; where she had not long lain, but desired to lie in her old place again: quoth he, "How can it be effected?" She answered, "Come over me again." "I had rather," said he, "go a mile and a half about."

46. A thief being arraigned at the bar for stealing a mare, in his pleading urged many things in his own behalf, and at last nothing availing, he told the

bench, the mare rather stole him, than he the mare; which in brief he thus related: That passing over several grounds about his lawful occasions, he was pursued close by a fierce mastiff dog, and so was forced to save himself by leaping over a hedge, which being of an agile body he effected; and in leaping, a mare standing on the other side of the hedge, leaped upon her back, who running furiously away with him, he could not by any means stop her, until he came to the next town, in which town the owner of the mare lived, and there was he taken, and here arraigned.

47. Master Mason of Trinity college sent his pupil to another of the fellows, to borrow a book of him, who told him, "I am loth to lend my books out of my chamber, but if it please thy tutor to come and read upon it in my chamber, he shall as long as he will." It was winter, and some days after the same fellow sent to Mr. Mason to borrow his bellows; but Mr. Mason said to his pupil, "I am loth to lend my bellows out of my chamber, but if thy tutor would come and blow the fire in my chamber, he shall as long as he will."

48. A notorious rogue being brought to the bar, and knowing his case to be desperate, instead of pleading he took to himself the liberty of jesting, and thus said, "I charge you in the king's name, to seize and take away that man (meaning the judge) in the red gown, for I go in danger of my life because of him."

49. In Flanders by accident a Flemish tiler fell from the top of a house upon a Spaniard, and killed him, though he escaped himself: the next of the blood prosecuted his death with great violence, and when he was offered pecuniary recompence, nothing would serve him but lex talionis: whereupon the judge said to him, "that if he did urge that sentence, it must be, that he should go up to the top of the house, and then fall down upon the tiler."

50. A rough-hewn seaman, being brought before a wise just-ass for some misdemeanour, was by him sent away to prison, and being somewhat refractory after he heard his doom, insomuch as he would not stir a foot from the place where he stood, saying, "it were better to stand where he was than go to a worse place:" the justice thereupon, to show the strength of his learning, took him by the shoulder, and said, "Thou shalt go nogus vogus," instead of nolens volens.

51. Francis the first of France used for his pleasure sometimes to go disguised: so walking one day in the company of the cardinal of Bourbon near Paris, he met with a peasant with a new pair of shoes upon his arm: so he called unto him and said; "By our lady, these be good shoes, what did they cost thee?" The peasant said, "Guess." The king said, "I think some five sols." Saith the peasant, "You have lied; but a carlois." "What, villain," said the cardinal of Bourbon, "thou art dead, it is the king." The peasant replied; "The devil take him of you and me, that knew so much."

52. There was a young man in Rome that was very like Augustus Cæsar; Augustus took knowledge of him, and sent for the man, and asked him, "Was your mother ever at Rome?" He answered; "No, Sir, but my father was."

53. A physician advised his patient that had sore eyes, that he should abstain from wine; but the patient said, "I think, rather, Sir, from wine and water; for I have often marked it in blue eyes, and I have seen water come forth, but never wine."

54. A debauched seaman being brought before a justice of the peace upon the account of swearing, was by the justice commanded to deposit his fine in that behalf provided, which was two shillings; he thereupon plucking out of his pocket half a crown, asked the justice what was the rate he was to pay for cursing; the justice told him six-pence; quoth he, "Then a pox take you all for a company of knaves and fools, and there's half a crown for you, I will never stand changing of money."

55. Augustus Cæsar was invited to supper by one of his old friends, that had conversed with him in his less fortunes, and had but ordinary entertainment; whereupon at his going away, he said, "I did not know that you and I were so familiar."

56. Agathocles, after he had taken Syracuse, the men whereof, during the siege, had in a bravery spoken of him all the villany that might be, sold the Syracusans for slaves, and said; "Now if you use such words of me, I will tell your masters of you."

57. Dionysius the elder, when he saw his son in many things very inordinate, said to him, "Did you ever know me do such things?" His son answered, "No, but you had not a tyrant to your father." The father replied, "No, nor you, if you take these courses, will have a tyrant to your son."

58. Callisthenes, the philosopher, that followed Alexander's court, and hated the king, being asked by one, how one should become the famousest man in the world, answered, "By taking away him that is."

59. Agesilaus, when one told him there was one did excellently counterfeit a nightingale, and would have had him hear him, said; "Why I have heard the nightingale herself."

60. A great nobleman, upon the complaint of a servant of his, laid a citizen by the heels, thinking to bend him to his servant's desire; but the fellow being stubborn, the servant came to his lord, and told him, "Your lordship, I know, hath gone as far as well you may, but it works not; for yonder fellow is more perverse than before." Said my lord, "Let's forget him a while, and then he will remember himself."

61. One came to a cardinal in Rome, and told him, that he had brought his lordship a dainty white palfrey, but he fell lame by the way. Saith the cardinal to him, "I'll tell thee what thou shalt do; go to such a cardinal, and such a cardinal," naming him half a dozen cardinals, and tell them as much; and so whereas by thy horse, if he had been sound, thou couldest have pleased but one, with thy lame horse thou mayest please half a dozen."

62. A witty rogue coming into a lace-shop, said, he had occasion for some lace; choice whereof being showed him, he at last pitched upon one pattern, and asked them, how much they would have

for so much as would reach from ear to ear, for so much he had occasion for. They told him, for so much: so some few words passing between them, he at last agreed, and told down his money for it, and began to measure on his own head, thus saying; "One ear is here, and the other is nailed to the pillory in Bristol, and I fear you have not so much of this lace by you at present as will perfect my bargain; therefore this piece of lace shall suffice at present in part of payment, and provide the rest with all expedition."

63. Iphicrates the Athenian, in a treaty that he had with the Lacedæmonians for peace, in which question was about security for observing the same, said, "The Athenians would not accept of any security, except the Lacedæmonians did yield up unto them those things, whereby it might be manifest, that they could not hurt them if they would."

64. Euripides would say of persons that were beautiful, and yet in some years, "In fairest bodies not only the spring is pleasant, but also the autumn."

65. There was a captain sent to an exploit by his general with forces that were not likely to achieve the enterprise; the captain said to him, "Sir, appoint but half so many." "Why?" saith the general. The captain answered, "Because it is better fewer die than more."

66. There was a harbinger who had lodged a gentleman in a very ill room, who expostulated with him somewhat rudely; but the harbinger carelessly said; "You will take pleasure in it when you are out of it."

67. There is a Spanish adage, "Love without end hath no end:" meaning, that if it were begun not upon particular ends it would last.

68. A woman being suspected by her husband for dishonesty, and being by him at last pressed very hard about it, made him quick answer with many protestations, "that she knew no more of what he said than the man in the moon." Now the captain of the ship called the Moon was the very man she so much loved.

69. Demosthenes when he fled from the battle, and that it was reproached to him, said, "that he that flies might fight again."

70. Gonsalvo would say, "The honour of a soldier ought to be of a strong web;" meaning, that it should not be so fine and curious, that every little disgrace should catch and stick in it.

71. An apprentice of London being brought before the chamberlain by his master for the sin of incontinency, even with his own mistress, the chamberlain thereupon gave him many christian exhortations; and at last he mentioned and pressed the chastity of Joseph, when his mistress tempted him with the like crime of incontinency. "Ay, Sir," said the apprentice; "but if Joseph's mistress had been as handsome as mine is, he could not have forborne."

72. Bias gave in precept, "Love as if you should hereafter hate; and hate as if you should hereafter love."

73. Cineas was an excellent orator and statesman, and principal friend and counsellor to Pyrrhus; and falling in inward talk with him, and discerning the king's endless ambition; Pyrrhus opened himself unto him, that he intended first a war upon Italy, and hoped to achieve it: Cineas asked him, "Sir, what will you do then?" "Then," saith he, "we will attempt Sicily." Cineas said, "Well, Sir, what then?" Said Pyrrhus, "If the gods favour us, we may conquer Africa and Carthage." "What then, Sir?" saith Cineas. "Nay, then," saith Pyrrhus, "we may take our rest, and sacrifice and feast every day, and make merry with our friends." "Alas, Sir," said Cineas, "may we not do so now without all this ado?"

74. Lamia the courtezan had all power with Demetrius king of Macedon, and by her instigations he did many unjust and cruel acts; whereupon Lysimachus said, "that it was the first time that ever he knew a whore play in a tragedy."

75. One of the Romans said to his friend, "What think you of one who was taken in the act and manner of adultery?" The other answered, "Marry, I think he was slow at despatch."

76. Epaminondas, when his great friend and colleague in war was suitor to him to pardon an offender, denied him; afterwards, when a concubine of his made the same suit, he granted it to her; which when Pelopidas seemed to take unkindly, he said, "Such suits are to be granted to whores, but not to personages of worth."

77. Thales being asked when a man should marry, said; "Young men not yet, old men not at all."

78. A company of scholars going together to catch conies, carried one scholar with them, which had not much more wit than he was born with; and to him they gave in charge, that if he saw any, he should be silent, for fear of scaring them. But he no sooner espied a company of rabbits, before the rest, but he cried aloud, "Ecce multi cuniculi," which in English signifies, "Behold many conies;" which he had no sooner said, but the conies ran to their burrows: and he being checked by them for it, answered, "Who the devil would have thought that the rabbits understood Latin?"

79. A Welchman being at a sessions-house, and seeing the prisoners hold up hands at the bar, related to some of his acquaintance there, "that the judges were good fortune-tellers; for if they did but look upon their hands, they could certainly tell whether they should live or die."

80. Solon compared the people unto the sea, and orators and counsellors to the winds: for that the sea would be calm and quiet, if the winds did not trouble it.

81. Socrates was pronounced by the oracle of Delphos to be the wisest man of Greece, which he would put from himself ironically, saying, "there would be nothing in him to verify the oracle, except this; that he was not wise, and knew it; and others were not wise, and knew it not."

82. Socrates, when there was showed him the book of Heraclitus the obscure, and was asked his opinion of it, answered; "Those things which I understood were excellent, I imagine so were those

I understood not; but they require a diver of Delos."

83. Bion asked an envious man that was very sad, "what harm had befallen unto him, or what good had befallen unto another man?"

84. Stilpo the philosopher, when the people flocked about him, and that one said to him, "The people come wondering about you as if it were to see some strange beast!" "No," saith he, "it is to see a man which Diogenes sought with his lanthorn at noon-day."

85. A man being very jealous of his wife, insomuch that which way soever she went, he would be prying at her heels; and she being so grieved thereat, in plain terms told him, "that if he did not for the future leave off his proceedings in that nature she would graft such a pair of horns upon his head, that should hinder him from coming out of any door in the house."

86. A citizen of London passing the streets very hastily, came at last where some stop was made by carts; and some gentlemen talking together, who knew him: where being in some passion that he could not suddenly pass, one of them in this wise spoke unto him; "that others had passed by, and there was room enough, only they could not tell whether their horns were so wide as his."

87. A tinker passing Cheapside with his usual tone, "Have you any work for a tinker?" an apprentice standing at a door opposite to a pillory there set up, called the tinker, with an intent to put a jest upon him, and told him, "that he should do very well if he would stop those two holes in the pillory;" to which the tinker answered, "that if he would put in his head and ears a while in that pillory, he would bestow both brass and nails upon him to hold him in, and give him his labour into the bargain."

88. A young maid having married an old man, was observed on the day of marriage to be somewhat moody, as if she had eaten a dish of chums, which one of her bridemen observing, bid her be cheery; and told her moreover, "that an old horse would hold out as long, and as well as a young one, in travel." To which she answered, stroking down her belly with her hand, "But not in this road, Sir."

89. There was in Oxford a cowardly fellow that was a very good archer; he was abused grossly by another, and moaned himself to Sir Walter Raleigh, then a scholar, and asked his advice, what he should do to repair the wrong had been offered him; Raleigh answered, "Why, challenge him at a match of shooting."

90. Whitehead, a grave divine, was much esteemed by queen Elizabeth, but not preferred, because he was against the government of bishops; he was of a blunt stoical nature: he came one day to the queen, and the queen happened to say to him, "I like thee the better, Whitehead, because thou livest unmarried." He answered, "In troth, Madam, I like you the worse for the same cause."

91. Dr. Laud said, "that some hypocrites and seeming mortified men, that held down their heads like bulrushes, were like the little images that they place in the very bowing of the vaults of churches, that look as if they held up the church, but are but puppets."

92. A nobleman of this nation, famously known for his mad tricks, on a time having taken physic, which he perceiving that it began well to work, called up his man to go for a chirurgeon presently, and to bring his instruments with him. The chirurgeon comes in all speed; to whom my lord related, that he found himself much addicted to women, and therefore it was his will, that the cause of it might be taken away, and therefore commanded him forthwith to prepare his instruments ready for to geld him: so the chirurgeon forthwith prepares accordingly, and my lord told him that he would not see it done, and that therefore he should do his work the back way: so, both parties being contented, my lord makes ready, and holds up his a—; and when he perceives the chirurgeon very near him, he lets fly full in his face; which made the chirurgeon step back, but coming presently on again, "Hold, hold," saith my lord, "I will better consider of it, for I see the retentive faculty is very weak at the approach of such keen instruments."

93. There was a cursed page that his master whipt naked, and when he had been whipt, would not put on his clothes: and when his master bade him, said, "Take them you, for they are the hangman's fees."

94. There was a lady of the west country, that gave great entertainment at her house to most of the gallant gentlemen thereabouts, and amongst others Sir Walter Raleigh was one. This lady, though otherwise a stately dame, was a notable good housewife; and in the morning betimes she called to one of her maids that looked to the swine, and asked, "Are the pigs served?" Sir Walter Raleigh's chamber was fast by the lady's, so as he heard her: a little before dinner, the lady came down in great state into the great chamber, which was full of gentlemen: and as soon as Sir Walter Raleigh set eye upon her, "Madam," saith he, "are the pigs served?" The lady answered, "You know best whether you have had your breakfast."

95. There were fishermen drawing the river at Chelsea: Mr. Bacon came thither by chance in the afternoon, and offered to buy their draught: they were willing. He asked them what they would take? They asked thirty shillings. Mr. Bacon offered them ten. They refused it. Why then, saith Mr. Bacon, I will be only a looker on. They drew, and catched nothing. Saith Mr. Bacon, Are not you mad fellows now, that might have had an angel in your purse, to have made merry withal, and to have warmed you throughly, and now you must go home with nothing. Ay but, saith the fishermen, we had hope then to make a better gain of it. Saith Mr. Bacon, "Well, my master, then I will tell you, hope is a good breakfast, but it is a bad supper."

96. A lady walking with Mr. Bacon in Gray's Inn walks, asked him, Whose that piece of ground lying next under the walls was? He answered, "Theirs." Then she asked him, If those fields

beyond the walks were theirs too? He answered, "Yes, Madam, those are ours, as you are ours, to look on, and no more."

97. His lordship, when he was newly made lord keeper, was in Gray's Inn walks with Sir Walter Raleigh; one came and told him, that the earl of Exeter was above. He continued upon occasion still walking a good while. At last when he came up, my lord of Exeter met him, and said; "My lord, I have made a great venture, to come up so high stairs, being a gouty man." His lordship answered; "Pardon me, my lord, I have made the greatest venture of all; for I have ventured upon your patience."

98. When Sir Francis Bacon was made the king's attorney, Sir Edward Coke was put up from being Lord Chief Justice of the common pleas, to be Lord Chief Justice of the king's bench; which is a place of greater honour, but of less profit; and withal was made privy counsellor. After a few days, the lord Coke meeting with the king's attorney, said unto him; Mr. Attorney, this is all your doing: it is you that have made this stir. Mr. Attorney answered; "Ah! my lord, your lordship all this while hath grown in breadth; you must needs now grow in height, or else you would be a monster."

99. One day queen Elizabeth told Mr. Bacon, that my lord of Essex, after great protestation of penitence and affection, fell in the end but upon the suit of renewing of his farm of sweet wines. He answered; "I read that in nature there be two kinds of motions or appetites in sympathy; the one as of iron to the adamant, for perfection; the other as of the vine to the stake, for sustentation; that her majesty was the one, and his suit the other."

100. Mr. Bacon, after he had been vehement in parliament against depopulation and enclosures; and that soon after the queen told him that she had referred the hearing of Mr. Mill's cause to certain counsellors and judges; and asked him how he liked of it? answered, "Oh, Madam, my mind is known; I am against all enclosures, and especially against enclosed justice."

101. When Sir Nicholas Bacon the lord keeper lived, every room in Gorhambury was served with a pipe of water from the ponds, distant about a mile off. In the life-time of Mr. Anthony Bacon, the water ceased. After whose death, his lordship coming to the inheritance, could not recover the water without infinite charge: when he was lord chancellor, he built Verulam house, close by the pond-yard, for a place of privacy when he was called upon to despatch any urgent business. And being asked, why he built that house there; his lordship answered, "that since he could not carry the water to his house, he would carry his house to the water."

102. When my lord president of the council came first to be lord treasurer, he complained to my lord chancellor of the troublesomeness of the place; for that the exchequer was so empty; the lord chancellor answered, "My lord, be of good cheer, for now you shall see the bottom of your business at the first."

103. When his lordship was newly advanced to the great seal, Gondomar came to visit him. My lord said, that he was to thank God and the king for that honour; but yet, so he might be rid of the burden, he could very willingly forbear the honour; and that he formerly had a desire, and the same continued with him still, to lead a private life. Gondomar answered, that he would tell him a tale of an old rat, that would needs leave the world, and acquainted the young rats that he would retire into his hole, and spend his days solitarily; and would enjoy no more comfort; and commanded them upon his high displeasure, not to offer to come in unto him. They forbore two or three days; at last, one that was more hardy than the rest, incited some of his fellows to go in with him, and he would venture to see how his father did; for he might be dead. They went in, and found the old rat sitting in the midst of a rich Parmesan cheese. So he applied the fable after his witty manner.

104. Rabelais tells a tale of one that was very fortunate in compounding differences. His son undertook the said course, but could never compound any. Whereupon he came to his father, and asked him; what art he had to reconcile differences? He answered; "he had no other but this: to watch when the two parties were much wearied, and their hearts were too great to seek reconcilement at one another's hands; then to be a means betwixt them, and upon no other terms." After which the son went home, and prospered in the same undertakings.

105. Alonso Cartilio was informed by his steward of the greatness of his expense, being such as he could not hold out therewith. The bishop asked him, wherein it chiefly arose? His steward told him, in the multitude of his servants. The bishop bade him to make him a note of those that were necessary, and those that might be spared. Which he did. And the bishop taking occasion to read it before most of his servants, said to his steward, "Well, let these remain because I have need of them; and these other also because they have need of me."

106. Mr. Marbury the preacher would say, "that God was fain to do with wicked men, as men do with frisking jades in a pasture, that cannot take them up, till they get them at a gate. So wicked men will not be taken up till the hour of death."

107. Pope Sixtus the fifth, who was a very poor man's son, and his father's house ill thatched, so that the sun came in in many places, would sport with his ignobility, and say, "that he was nato di casa illustre: son of an illustrious house."

108. When the king of Spain conquered Portugal, he gave special charge to his lieutenant, that the soldiers should not spoil, lest he should alienate the hearts of the people: the army also suffered much scarcity of victual. Whereupon the Spanish soldiers would afterwards say, "that they had won the king a kingdom on earth, as the kingdom of heaven used to be won: by fasting and abstaining from that which is another man's."

109. They feigned a tale of Sixtus Quintus, whom they call Size-ace, that after his death he

went to hell, and the porter of hell said to him, "You have some reason to offer yourself to this place, because you were a wicked man; but yet, because you were a pope, I have order not to receive you: you have a place of your own, purgatory; you may go thither." So he went away, and sought about a great while for purgatory, and could find no such place. Upon that he took heart, and went to heaven, and knocked; and St. Peter asked, "Who was there?" He said, "Sixtus pope." Whereunto St. Peter said, "Why do you knock? you have the keys." Sixtus answered, "It is true; but it is so long since they were given, as I doubt the wards of the lock be altered."

110. Charles, king of Sweden, a great enemy of the Jesuits, when he took any of their colleges, he would hang the old Jesuits, and put the young to his mines, saying, "that since they wrought so hard above ground, he would try how they could work under ground."

111. In chancery, at one time when the counsel of the parties set forth the boundaries of the land in question by the plot; and the counsel of one part said, "We lie on this side, my lord;" and the counsel of the other part said, "And we lie on this side:" the lord chancellor Hatton stood up and said; "If you lie on both sides, whom will you have me to believe?"

112. Sir Edward Coke was wont to say, when a great man came to dinner to him, and gave him no knowledge of his coming, "Sir, since you sent me no word of your coming, you must dine with me; but if I had known of it in due time, I would have dined with you."

113. Pope Julius the third, when he was made pope, gave his hat unto a youth, a favourite of his, with great scandal. Whereupon, at one time, a cardinal that might be free with him, said modestly to him, "What did your holiness see in that young man, to make him cardinal?" Julius answered, "What did you see in me to make me pope?"

114. The same Julius upon like occasion of speech, Why he should bear so great affection to the same young man? would say, "that he found by astrology that it was the youth's destiny to be a great prelate; which was impossible except himself were pope. And therefore that he did raise him, as the driver on of his own fortune."

115. Sir Thomas More had only daughters at the first, and his wife did ever pray for a boy. At last she had a boy, which being come to man's estate, proved but simple. Sir Thomas said to his wife, "Thou prayedst so long for a boy, that he will be a boy as long as he lives."

116. Sir Fulk Grevil, afterwards Lord Brook, in parliament, when the house of commons, in a great business, stood much upon precedents, said unto them, "Why do you stand so much upon precedents? The times hereafter will be good or bad. If good, precedents will do no harm; if bad, power will make a way where it finds none."

117. Sir Thomas More on the day that he was beheaded, had a barber sent to him, because his hair was long; which was thought would make him more commiserated with the people. The barber came to him, and asked him, "Whether he would be pleased to be trimmed?" "In good faith, honest fellow," saith Sir Thomas, "the king and I have a suit for my head; and till the title be cleared, I will do no cost upon it."

118. Stephen Gardiner, bishop of Winchester, a great champion of the popish religion, was wont to say of the protestants who ground upon the Scripture, "They were like posts, that bring truth in their letters, and lies in their mouths."

119. The former Sir Thomas More had sent him by a suitor in chancery two silver flagons. When they were presented by the gentleman's servant, he said to one of his men, "Have him to the cellar, and let him have of my best wine:" and, turning to the servant, said, "Tell thy master, if he like it, let him not spare it."

120. Michael Angelo, the famous painter, painting in the pope's chapel the portraiture of hell and damned souls, made one of the damned souls so like a cardinal that was his enemy, as every body at first sight knew it. Whereupon the cardinal complained to pope Clement, humbly praying it might be defaced. The pope said to him, "Why, you know very well, I have power to deliver a soul out of purgatory, but not out of hell."

121. There was an agent here for the Dutch, called Carroon; and when he used to move the queen for farther succours and more men, my lord Henry Howard would say, "That he agreed well with the name of Charon, ferryman of hell; for he came still for more men, to increase regnum umbrarum."

122. They were wont to call referring to the masters in chancery, committing. My lord keeper Egerton, when he was master of the rolls, was wont to ask, "What the cause had done that it should be committed?"

123. They feigned a tale, principally against doctors' reports in the chancery, that Sir Nicholas Bacon, when he came to heaven gate, was opposed, touching an unjust decree which had been made in the chancery. Sir Nicholas desired to see the order, whereupon the decree was drawn up; and finding it to begin, "Veneris," etc. "Why," saith he, "I was then sitting in the star-chamber; this concerns the master of the rolls; let him answer it." Soon after came the master of the rolls, Cordal, who died indeed a small time after Sir Nicholas Bacon; and he was likewise staid upon it; and looking into the order, he found that upon the reading of a certificate of Dr. Gibson, it was ordered that his report should be decreed. And so he put it upon Dr. Gibson, and there it stuck.

124. Sir Nicholas Bacon, when a certain nimble-witted counsellor at the bar, who was forward to speak, did interrupt him often, said unto him, "There is a great difference betwixt you and me: a pain to me to speak, and a pain to you to hold your peace."

125. The same Sir Nicholas Bacon, upon bills exhibited to discover where lands lay, upon proof that they had a certain quantity of land, but could

not set it forth, was wont to say; "And if you cannot find your land in the country, how will you have me find it in the chancery?"

126. Mr. Howland, in conference with a young student, arguing a case, happened to say, "I would ask you but this question." The student presently interrupted him, to give him an answer. Whereunto Mr. Howland gravely said, "Nay, though I ask you a question, yet I did not mean you should answer me; I mean to answer myself."

127. Pope Adrian the sixth was talking with the duke of Sesa, "that Pasquil gave great scandal, and that he would have him thrown into the river:" but he answered, "Do it not, holy father, for then he will turn frog; and whereas now he chants but by day, he will then chant both by day and night."

128. There was a gentleman in Italy that wrote to a great friend of his, whom the pope had newly advanced to be cardinal, that he was very glad of his advancement, for the cardinal's own sake; but he was sorry that himself had lost a good friend.

129. There was a king of Hungary took a bishop in battle, and kept him prisoner: whereupon the pope writ a monitory to him, for that he had broken the privilege of holy church, and taken his son. The king sent an embassage to him, and sent withal the armour wherein the bishop was taken, and this only in writing, "Vide num hæc sit vestis filii tui:" "know now whether this be thy son's coat."

130. Sir Amyas Pawlet, when he saw too much haste made in a matter, was wont to say, "Stay a while, that we may make an end the sooner."

131. A master of the requests to queen Elizabeth had divers times moved for audience, and been put off. At last he came to the queen in a progress, and had on a new pair of boots. The queen, who loved not the smell of new leather, said to him, "Fy, Raven, thy new boots stink." "Madam," said he, "it is not my new boots that stink; but it is the stale bills that I have kept so long."

132. At an act of the commencement, the answerer gave for his question, that an aristocracy was better than a monarchy. The replier, who was a dissolute man, did tax him, that being a private bred man, he would give a question of state. The answerer said, that the replier did much wrong the privilege of scholars, who would be much straitened if they should give questions of nothing but such things wherein they are practised: and added, "We have heard yourself dispute of virtue, which no man will say you put much in practice."

133. Queen Isabella of Spain used to say, "Whosoever hath a good presence and a good fashion, carries continual letters of recommendation."

134. Alonso of Arragon was wont to say in commendation of age, "That age appeared to be best in four things: old wood best to burn; old wine to drink; old friends to trust; and old authors to read."

135. It was said of Augustus, and afterward the like was said of Septimius Severus, both which did infinite mischief in their beginnings, and infinite good toward their ends, "that they should either have never been born or never died."

136. Constantine the Great, in a kind of envy, himself being a great builder, as Trajan likewise was, would call Trajan, Parietaria, wall-flower; because his name was upon so many walls.

137. Alonso of Arragon was wont to say of himself, "That he was a great necromancer, for that he used to ask counsel of the dead:" meaning of books.

138. Ethelwold, bishop of Winchester, in a famine, sold all the rich vessels and ornaments of the church, to relieve the poor with bread; and said, "there was no reason that the dead temples of God should be sumptuously furnished, and the living temples suffer penury."

139. Many men, especially such as affect gravity, have a manner after other men's speech to shake their heads. A great officer of this land would say, "It was as men shake a bottle, to see if there were any wit in their heads or no?"

140. After a great fight, there came to the camp of Consalvo the great captain, a gentleman proudly horsed and armed. Diego de Mendoza asked the great captain, "Who is this?" Who answered, "It is Saint Ermin, who never appears but after a storm."

141. There was one that died greatly in debt: when it was reported in some company, where divers of his creditors casually were, that he was dead, one began to say, "Well, if he be gone, then he hath carried five hundred ducats of mine with him into the other world;" and another said, "And two hundred of mine;" and a third spake of great sums of his. Whereupon one that was amongst them said, "I perceive now, that though a man cannot carry any of his own with him into the next world, yet he may carry away that which is another man's."

142. Francis Carvajal, that was the great captain of the rebels of Peru, had often given the chase to Diego Centeno, a principal commander of the emperor's party: he was afterwards taken by the emperor's lieutenant Gasca, and committed to the custody of Diego Centeno, who used him with all possible courtesy; insomuch as Carvajal asked him, "I pray, Sir, who are you that use me with this courtesy?" Centeno said, "Do not you know Diego Centeno?" Carvajal answered, "Truly, Sir, I have been so used to see your back, as I knew not your face."

143. There was a merchant died that was very far in debt; his goods and household stuff were set forth to sale. A stranger would needs buy a pillow there, saying, "This pillow sure is good to sleep upon, since he could sleep that owed so many debts."

144. A lover met his lady in a close chair, she thinking to have gone unknown, he came and spake to her. She asked him, "How did you know me?" He said, "Because my wounds bleed afresh," alluding to the common tradition, that the wounds of a body slain will bleed afresh upon the approach of the murderer.

145. A gentleman brought music to his lady's window. She hated him, and had warned him often away; and when he would not desist, she threw stones at him. Whereupon a gentleman said unto him, that was in his company, "What greater

honour can you have to your music, than that stones come about you, as they did to Orpheus?"

146. Coranus the Spaniard, at a table at dinner, fell into an extolling his own father, saying, "If he could have wished of God, he could not have chosen amongst men a better father." Sir Henry Savil said, "What, not Abraham?" Now Coranus was doubted to descend of a race of Jews.

147. Bresquet, jester to Francis the first of France, did keep a calendar of fools, wherewith he did use to make the king sport; telling him ever the reason why he put any one into his calendar. When Charles the fifth, emperor, upon confidence of the noble nature of Francis, passed through France, for the appeasing of the rebellion of Gaunt, Bresquet put him into his calendar. The king asked him the cause. He answered, "Because you have suffered at the hands of Charles the greatest bitterness that ever prince did from another, nevertheless he would trust his person into your hands." "Why, Bresquet," said the king, "what wilt thou say, if thou seest him pass back in as great safety, as if he marched through the midst of Spain?" Saith Bresquet; "Why then I will put him out, and put in you."

148. Archbishop Grindall was wont to say, "that the physicians here in England were not good at the cure of particular diseases; but had only the power of the church, to bind and loose."

149. Cosmus duke of Florence was wont to say of perfidious friends, "that we read, that we ought to forgive our enemies; but we do not read that we ought our friends."

150. A papist being opposed by a protestant, "that they had no Scripture for images," answered, "Yes; for you read that the people laid their sick in the streets, that the shadow of saint Peter might come upon them; and that a shadow was an image, and the obscurest of all images."

151. Sir Edward Dyer, a grave and wise gentleman, did much believe in Kelly the alchemist, that he did indeed the work, and did make gold; insomuch that he went into Germany, where Kelly then was, to inform himself fully thereof. After his return, he dined with my lord of Canterbury; where at that time was at the table Dr. Brown the physician. They fell in talk of Kelly. Sir Edward Dyer, turning to the archbishop, said; "I do assure your grace, that what I shall tell you is truth; I am an eye-witness thereof; and if I had not seen it, I should not have believed it. I saw Mr. Kelly put of the base metal into the crucible; and after it was set a little upon the fire, and a very small quantity of the medicine put in, and stirred with a stick of wood, it came forth in great proportion, perfect gold; to the touch, to the hammer, and to the test." My lord archbishop said; "You had need take heed what you say, Sir Edward Dyer, for here is an infidel at the board." Sir Edward Dyer said again pleasantly, "I should have looked for an infidel sooner in any place than at your grace's table." "What say you, Dr. Brown?" said the archbishop. Dr. Brown answered, after his blunt and huddling manner; "The gentleman hath spoken enough for me." "Why," said the archbishop, "what hath he said?" "Marry," saith Dr. Brown, "he said, he would not have believed it, except he had seen it; and no more will I."

152. Doctor Johnson said, that in sickness there were three things that were material; the physician, the disease, and the patient: and if any two of these joined, then they get the victory; for, "Ne Hercules quidem contra duos." If the physician and the patient join, then down goes the disease: for then the patient recovers: if the physician and the disease join, that is a strong disease; and the physician mistaking the cure, then down goes the patient: if the patient and the disease join, then down goes the physician; for he is discredited.

153. Mr. Bettenham said, that virtuous men were like some herbs and spices, that give not out their sweet smell, till they be broken or crushed.

154. There was a painter became a physician: whereupon one said to him; "You have done well; for before the faults of your work were seen, but now they are unseen."

155. There was a gentleman that came to the tilt all in orange-tawny, and ran very ill. The next day he came again all in green, and ran worse. There was one of the lookers on asked another; "What is the reason that this gentleman changeth his colours?" The other answered, "Sure, because it may be reported, that the gentleman in the green ran worse than the gentleman in the orange-tawny."

156. Zelim was the first of the Ottomans that did shave his beard, whereas his predecessors wore it long. One of his bashaws asked him, Why he altered the custom of his predecessors? He answered, "Because you bashaws may not lead me by the beard, as you did them."

157. Æneas Sylvius, that was pope Pius Secundus, was wont to say; that the former popes did wisely to set the lawyers a-work to debate, whether the donation of Constantine the Great to Sylvester, of St. Peter's patrimony, were good or valid in law or no? the better to skip over the matter in fact, whether there was ever any such thing at all or no.

158. The lord bishop Andrews was asked at the first coming over of the archbishop of Spalato, whether he were a protestant or no? He answered; "Truly I know not: but I think he is a detestant;" that was, of most of the opinions of Rome.

159. It was said amongst some of the grave prelates of the council of Trent, in which the school-divines bare the sway; that the school-men were like the astronomers, who to save the phænomena, framed to their conceit eccentrics and epicycles, and a wonderful engine of orbs, though no such things were: so they, to save the practice of the church, had devised a great number of strange positions.

160. Æneas Sylvius would say, that the christian faith and law, though it had not been confirmed by miracles, yet was worthy to be received for the honesty thereof.

161. Mr. Bacon would say, that it was in his business, as it is frequently in the ways: that the next way is commonly the foulest; and that if a

man will go the fairest way, he must go somewhat about.

162. Mr. Bettenham, reader of Gray's Inn, used to say, that riches were like muck; when it lay in a heap it gave but a stench and ill odour; but when it was spread upon the ground, then it was cause of much fruit.

163. Cicero married his daughter to Dolabella, that held Cæsar's party: Pompey had married Julia, that was Cæsar's daughter. After, when Cæsar and Pompey took arms one against the other, and Pompey had passed the seas, and Cæsar possessed Italy, Cicero stayed somewhat long in Italy, but at last sailed over to join with Pompey; who when he came to him, Pompey said, "You are welcome, but where left you your son-in-law?" Cicero answered, "With your father-in-law."

164. Vespasian and Titus his eldest son were both absent from Rome when the empire was cast upon Vespasian; Domitian his younger son was at Rome, who took upon him the affairs; and being of a turbulent spirit, made many changes, and displaced divers officers and governors of provinces, making them successors. So when Vespasian returned to Rome, and Domitian came into his presence, Vespasian said to him; "Son, I looked when you would have sent me a successor."

165. Nero loved a beautiful youth, whom he used lasciously, and called him wife: there was a senator of Rome that said secretly to his friend, "It was pity Nero's father had not such a wife."

166. Galba succeeded Nero, and his age being despised, there was much licence and confusion in Rome during his empire; whereupon a senator said in full senate; "It were better to live where nothing is lawful, than where all things are lawful."

167. Augustus Cæsar did write to Livia, who was over-sensible of some ill words that had been spoken of them both: "Let it not trouble thee, my Livia, if any man speak ill of us; for we have enough that no man can do ill unto us."

168. Chilon said, that kings, friends, and favourites, were like casting counters; that sometimes stood for one, sometimes for ten, sometimes for a hundred.

169. Theodosius, when he was pressed by a suitor, and denied him; the suitor said, "Why, Sir, you promised it." He answered; "I said it, but I did not promise it, if it be unjust."

170. The Romans, when they spake to the people, were wont to style them, Ye Romans: when commanders in war spake to their army, they styled them, My soldiers. There was a mutiny in Cæsar's army, and somewhat the soldiers would have had, yet they would not declare themselves in it, but only demanded a mission, or discharge; though with no intention it should be granted: but, knowing that Cæsar had at that time great need of their service, thought by that means to wrench him to their other desires: whereupon with one cry they asked mission. Cæsar, after silence made, said; "I for my part, ye Romans." This title did actually speak them to be dismissed: which voice they had no sooner heard, but they mutinied again; and would not suffer him to go on with his speech, until he had called them by the name of his soldiers: and so with that one word he appeased the sedition.

171. Cæsar would say of Sylla, for that he did resign his dictatorship; "Sylla was ignorant of letters, he could not dictate."

172. Seneca said of Cæsar, "that he did quickly show the sword, but never leave it off."

173. Diogenes begging, as divers philosophers then used, did beg more of a prodigal man than of the rest which were present. Whereupon one said to him; "See your baseness, that when you find a liberal mind, you will take most of him." "No," said Diogenes, "but I mean to beg of the rest again."

174. Themistocles, when an ambassador from a mean estate did speak great matters, said to him, "Friend, thy words would require a city."

175. They would say of the duke of Guise, Henry, "that he was the greatest usurer of France, for that he had turned all his estate into obligations." Meaning, that he had sold and oppignorated all his patrimony to give large donatives to other men.

176. Cæsar Borgia, after long division between him and the lords of Romagna, fell to accord with them. In this accord there was an article, that he should not call them at any time all together in person. The meaning was, that knowing his dangerous nature, if he meant them treason, he might have opportunity to oppress them all together at once. Nevertheless, he used such fine art and fair carriage, that he won their confidence to meet all together in council at Cinigaglia; where he murdered them all. This act, when it was related unto pope Alexander, his father, by a cardinal, as a thing happy, but very perfidious; the pope said, "It was they that broke their covenant first, in coming all together."

177. Titus Quinctius was in the council of the Achaians, what time they deliberated, whether in the war then to follow, between the Romans and king Antiochus, they should confederate themselves with the Romans, or with king Antiochus? In that council the Ætolians, who incited the Achaians against the Romans, to disable their forces, gave great words, as if the late victory the Romans had obtained against Philip king of Macedon, had been chiefly by the strength of forces of the Ætolians themselves: and on the other side the ambassador of Antiochus did extol the forces of his master; sounding what an innumerable company he brought in his army; and gave the nations strange names; as Elymæans, Caducians, and others. After both their harangues, Titus Quinctius, when he rose up, said; "It was an easy matter to perceive what it was that had joined Antiochus and the Ætolians together; that it appeared to be by the reciprocal lying of each, touching the other's forces."

178. Plato was amorous of a young gentleman, whose name was Stella, that studied astronomy, and went oft in the clear nights to look upon the stars. Whereupon Plato wished himself heaven, that he might look upon Stella with a thousand eyes.

179. The Lacedæmonians were besieged by the

Athenians in the port of Pyle, which was won, and some slain, and some taken. There was one said to one of them that was taken, by way of scorn, "Were they not brave men that lost their lives at the port of Pyle?" "He answered, Certainly a Persian arrow is much to be set by, if it can choose out a brave man."

180. Clodius was acquitted by a corrupt jury, that had palpably taken shares of money; before they gave up their verdict, they prayed of the senate a guard, that they might do their consciences, for that Clodius was a very seditious young nobleman. Whereupon all the world gave him for condemned. But acquitted he was. Catulus, the next day seeing some of them that had acquitted him together, said to them; "What made you ask of us a guard? Were you afraid your money should be taken from you?"

181. At the same judgment, Cicero gave in evidence upon oath: and when the jury, which consisted of fifty-seven, had passed against his evidence, one day in the senate Cicero and Clodius being in altercation, Clodius upbraided him, and said; "The jury gave you no credit." Cicero answered, "Five and twenty gave me credit: but there were two and thirty that gave you no credit, for they had their money beforehand."

182. Sir Henry Savil was asked by my lord of Essex his opinion touching poets? He answered my lord; "that he thought them the best writers, next to them that writ prose."

183. Diogenes, having seen that the kingdom of Macedon, which before was contemptible and low, began to come aloft when he died, was asked, how he would be buried? He answered, "With my face downwards; for within a while the world will be turned upside down, and then I shall lie right."

184. Cato the elder was wont to say, that the Romans were like sheep; a man were better to drive a flock of them than one of them.

185. When Lycurgus was to reform and alter the state of Sparta, in consultation one advised, that it should be reduced to an absolute popular equality: but Lycurgus said to him; "Sir, begin it in your own house."

186. Bion, that was an atheist, was showed in a port city, in a temple of Neptune, many tables of pictures, of such as had in tempests made their vows to Neptune, and were saved from shipwreck: and was asked, "How say you now? Do you not acknowledge the power of the gods?" But saith he; "Ay, but where are they painted that have been drowned after their vows?"

187. Cicero was at dinner, where there was an ancient lady that spake of her own years, and said, "she was but forty years old." One that sat by Cicero rounded him in the ear, and said; "She talks of forty years old; but she is far more, out of question." Cicero answered him again; "I must believe her, for I have heard her say so any time these ten years."

188. There was a soldier that vaunted before Julius Cæsar of the hurts he had received in his face. Julius Cæsar, knowing him to be but a coward, told him; "You were best take heed next tim you run away how you look back."

189. There was a suitor to Vespasian, who to la his suit fairer, said it was for his brother; where indeed it was for a piece of money. Some abo Vespasian told the emperor, to cross him, that th party his servant spoke for, was not his brother but that he did it upon a bargain. Vespasian se for the party interested, and asked him; "Wheth his mean employed by him was his brother or no? He durst not tell untruth to the emperor, and co fessed he was not his brother. Whereupon th emperor, said, "This do, fetch me the money, a you shall have your suit despatched." Which h did. The courtier, which was the mean, solicit Vespasian soon after about his suit: "Why," sai Vespasian, "I gave it last day to a brother of mine

190. Vespasian asked of Apollonius, what w the cause of Nero's ruin? Who answered, "Ne could tune the harp well, but in government he d always wind up the strings too high, or let the down too low."

191. Dionysius the tyrant, after he was depos and brought to Corinth, kept a school. Many ca to visit him; and amongst others, one when came in, opened his mantle and shook his clothe thinking to give Dionysius a gentle scorn; becau it was the manner to do so for them that came in see him while he was a tyrant. But Dionysius sa to him; "I prithee do so rather when thou goe out, that we may see thou stealest nothing away."

192. Diogenes, one terrible frosty morning, ca into the market-place, and stood naked, shaking, show his tolerance. Many of the people came ab him, pitying him: Plato passing by, and knowin he did it to be seen, said to the people as he we by; "If you pity him indeed, let him alone himself."

193. Aristippus was earnest suitor to Dionys for some grant, who would give no ear to his su Aristippus fell at his feet, and then Dionysius gra ed it. One that stood by said afterwards to Ar tippus; "You a philosopher, and be so base as throw yourself at the tyrant's feet to get a suit Aristippus answered, "The fault is not mine, b the fault is in Dionysius, that carries his ears in h feet."

194. Solon, when he wept for his son's dea and one said to him, "Weeping will not help;" a swered, "Alas, therefore I weep, because weepi will not help."

195. The same Solon being asked, whether had given the Athenians the best laws? answe ed, "The best of those that they would have r ceived."

196. One said to Aristippus; 'Tis a strange thin why men should rather give to the poor, than philosophers. He answered, "Because they thin themselves may sooner come to be poor, than be philosophers."

197. Trajan would say of the vain jealousy princes, that seek to make away those that aspi to their succession; "that there was never king th did put to death his successor."

198. When it was represented to Alexander, to the advantage of Antipater, who was a stern and imperious man, that he only of all his lieutenants wore no purple, but kept the Macedonian habit of black; Alexander said, "Yea, but Antipater is all purple within."

199. Alexander used to say of his two friends, Craterus and Hephæstion; that Hephæstion loved Alexander, and Craterus loved the king.

200. It fell out so, that as Livia went abroad in Rome, there met her naked young men that were sporting in the streets, which Augustus went about severely to punish in them; but Livia spake for them, and said, "It was no more to chaste women than so many statues."

201. Philip of Macedon was wished to banish one for speaking ill of him. But Philip answered; "Better he speak where we are both known, than where we are both unknown."

202. Lucullus entertained Pompey in one of his magnificent houses: Pompey said, "This is a marvellous fair and stately house for the summer; but methinks it should be very cold for winter." Lucullus answered, "Do you not think me as wise as divers fowls are, to change my habitation in the winter season?"

203. Plato entertained some of his friends at a dinner, and had in the chamber a bed, or couch, neatly and costly furnished. Diogenes came in, and got up upon the bed, and trampled it, saying, "I trample upon the pride of Plato." Plato mildly answered, "But with greater pride, Diogenes."

204. Pompey being commissioner for sending grain to Rome in time of dearth, when he came to the sea, found it very tempestuous and dangerous, insomuch as those about him advised him by no means to embark; but Pompey said, "It is of necessity that I go, not that I live."

205. Demosthenes was upbraided by Æschines, that his speeches did smell of the lamp. But Demosthenes said, "Indeed there is a great deal of difference between that which you and I do by lamp-light."

206. Demades the orator, in his age was talkative, and would eat hard: Antipater would say of him, that he was like a sacrifice, that nothing was left of it but the tongue and the paunch.

207. Themistocles, after he was banished, and had wrought himself into great favour afterwards, so that he was honoured and sumptuously served, seeing his present glory, said unto one of his friends, "If I had not been undone, I had been undone."

208. Philo Judæus saith, that the sense is like the sun; for the sun seals up the globe of heaven, and opens the globe of earth: so the sense doth obscure heavenly things, and reveals earthly things.

209. Alexander, after the battle of Granicum, had very great offers made him by Darius; consulting with his captains concerning them, Parmenio said, "Sure I would accept of these offers, if I were as Alexander." Alexander answered, "So would I, if I were as Parmenio."

210. Alexander was wont to say, he knew himself to be mortal, chiefly by two things; sleep, and lust.

211. Augustus Cæsar would say, that he wondered that Alexander feared he should want work, having no more worlds to conquer: as if it were not as hard a matter to keep, as to conquer.

212. Antigonus, when it was told him, that the enemy had such volleys of arrows that they did hide the sun, said, "That falls out well, for it is hot weather, and so we shall fight in the shade."

213. Cato the elder, being aged, buried his wife, and married a young woman. His son came to him, and said; "Sir, what have I offended, that you have brought a step-mother into your house?" The old man answered, "Nay, quite contrary, son: thou pleasest me so well, as I would be glad to have more such."

214. Crassus the orator had a fish which the Romans called Muræna, that he made very tame and fond of him; the fish died, and Crassus wept for it. One day falling in contention with Domitius in the senate, Domitius, said, "Foolish Crassus, you wept for your Muræna." Crassus replied, "That is more than you did for both your wives."

215. Philip, Alexander's father, gave sentence against a prisoner what time he was drowsy, and seemed to give small attention. The prisoner, after sentence was pronounced, said, "I appeal." The king, somewhat stirred, said, "To whom do you appeal?" The prisoner answered, "From Philip when he gave no ear, to Philip when he shall give ear."

216. There was a philosopher that disputed with the emperor Adrian, and did it but weakly. One of his friends that stood by, afterwards said unto him, "Methinks you were not like yourself last day, in argument with the emperor; I could have answered better myself." "Why," said the philosopher, "would you have me contend with him that commands thirty legions?"

217. When Alexander passed into Asia, he gave large donatives to his captains, and other principal men of virtue; insomuch as Parmenio asked him, "Sir, what do you keep for yourself?" He answered, "Hope."

218. Vespasian set a tribute upon urine. Titus his son imboldened himself to speak to his father of it; and represented it as a thing indign and sordid. Vespasian said nothing for the time; but a while after, when it was forgotten, sent for a piece of silver out of the tribute-money; and called to his son, bidding him to smell to it; and asked him, whether he found any offence? Who said, "No." "Why so?" saith Vespasian again; "yet this comes out of urine."

219. Nerva the emperor succeeded Domitian, who had been tyrannical; and in his time many noble houses were overthrown by false accusations; the instruments whereof were chiefly Marcellus and Regulus. The emperor Nerva one night supped privately with some six or seven: amongst whom there was one that was a dangerous man; and began to take the like courses as Marcellus and Regulus had done. The emperor fell into discourse of the

injustice and tyranny of the former time; and by name, of the two accusers; and said, "What should we do with them, if we had them now?" One of them that was at supper, and was a free-spoken senator, said, "Marry, they should sup with us."

220. There was one that found a great mass of money digging under ground in his grandfather's house; and being somewhat doubtful of the case, signified it to the emperor that he had found such treasure. The emperor made a rescript thus; "Use it." He writ back again, that the sum was greater than his estate or condition could use. The emperor writ a new rescript, thus: "Abuse it."

221. Julius Cæsar, as he passed by, was, by acclamation of some that stood in the way, termed King, to try how the people would take it. The people showed great murmur and distaste at it. Cæsar, finding where the wind stood, slighted it, and said, "I am not king, but Cæsar;" as if they had mistaken his name. For Rex was a surname amongst the Romans, as King is with us.

222. When Crœsus, for his glory, showed Solon his great treasures of gold, Solon said to him, "If another king come that hath better iron than you, he will be master of all this gold."

223. Aristippus being reprehended of luxury by one that was not rich, for that he gave six crowns for a small fish, answered, "Why, what would you have given?" The other said, "Some twelve pence." Aristippus said again, "And six crowns is no more with me."

224. Plato reprehended severely a young man for entering into a dissolute house. The young man said to him, "Why do you reprehend so sharply for so small a matter?" Plato replied, "But custom is no small matter."

225. Archidamus, king of Lacedæmon, having received from Philip king of Macedon, after Philip had won the victory of Chæronea upon the Athenians, proud letters, writ back to him, "That if he measured his own shadow, he would find it no longer than it was before his victory."

226. Pyrrhus, when his friends congratulated to him his victory over the Romans, under the conduct of Fabricius, but with great slaughter of his own side, said to them again, "Yes, but if we have such another victory, we are undone."

227. Plato was wont to say of his master Socrates, that he was like the apothecaries' gally-pots; that had on the outside apes, and owls, and satyrs; but within, precious drugs.

228. Alexander sent to Phocion a great present of money. Phocion said to the messenger, "Why doth the king send to me, and to none else?" The messenger answered, "Because he takes you to be the only good man in Athens." Phocion replied, "If he thinks so, pray let him suffer me to be so still."

229. At a banquet where those that were called the seven wise men of Greece were invited by the ambassador of a barbarous king, the ambassador related, that there was a neighbour mightier than his master, picked quarrels with him, by making impossible demands, otherwise threatening war; and now at that present had demanded of him, to drink up the sea. Whereunto one of the wise men said "I would have him undertake it." "Why," said the ambassador, "how shall he come off?" "Thus," saith the wise man; "let that king first stop the rivers which run into the sea, which are no part of the bargain, and then your master will perform it."

230. At the same banquet, the ambassador desired the seven, and some other wise men that were at the banquet, to deliver every one of them some sentence or parable, that he might report to his king the wisdom of Græcia, which they did; only one was silent; which the ambassador perceiving, said to him, "Sir, let it not displease you; why do not you say somewhat that I may report?" He answered, "Report to your lord, that there are of the Grecians that can hold their peace."

231. The Lacedæmonians had in custom to speak very short, which being an empire, they might do at pleasure: but after their defeat at Leuctra, in an assembly of the Grecians, they made a long invective against Epaminondas; who stood up, and said no more than this; "I am glad we have brought you to speak long."

232. Fabius Maximus being resolved to draw the war in length, still waited upon Hannibal's progress to curb him; and for that purpose he encamped upon the high ground: but Terentius his colleague fought with Hannibal, and was in great peril of overthrow; but then Fabius came down from the high grounds, and got the day. Whereupon Hannibal said, "that he did ever think that that same cloud that hanged upon the hills, would at one time or other give a tempest."

233. Hanno the Carthaginian was sent commissioner by the state, after the second Carthaginian war, to supplicate for peace, and in the end obtained it: yet one of the sharper senators said, "You have often broken with us the peaces whereunto you have been sworn; I pray, by what god will you swear?" Hanno answered; "By the same gods that have punished the former perjury so severely."

234. Cæsar, when he first possessed Rome, Pompey being fled, offered to enter the sacred treasury to take the moneys that were there stored; and Metellus, tribune of the people, did forbid him: and when Metellus was violent in it, and would not desist, Cæsar turned to him, and said; "Presume no farther, or I will lay you dead." And when Metellus was with those words somewhat astonished, Cæsar added; "Young man, it had been easier for me to do this than to speak it."

235. Caius Marius was general of the Romans against the Cimbers, who came with such a sea of people upon Italy. In the fight there was a band of the Cadurcians of a thousand, that did notable service; whereupon, after the fight, Marius denison them all for citizens of Rome, though there was no law to warrant it. One of his friends did present it unto him, that he had transgressed the law, because that privilege was not to be granted but by the people. Whereunto Marius answered; "Thou for the noise of arms he could not hear the laws."

236. Pompey did consummate the war against

Sertorius, when Metellus had brought the enemy somewhat low. He did also consummate the war against the fugitives, whom Crassus had before defeated in a great battle. So when Lucullus had had great and glorious victories against Mithridates and Tigranes; yet Pompey, by means his friends made, was sent to put an end to that war. Whereupon Lucullus taking indignation, as a disgrace offered to himself, said; "that Pompey was a carrion crow: when others had strucken down the bodies, then Pompey came and preyed upon them."

237. Antisthenes being asked of one what learning was most necessary for man's life? answered; "To unlearn that which is nought."

238. Alexander visited Diogenes in his tub; and when he asked him, what he would desire of him? Diogenes answered; "That you would stand a little aside, that the sun may come to me."

239. The same Diogenes, when mice came about him as he was eating, said; "I see, that even Diogenes nourisheth parasites."

240. Hiero visited by Pythagoras, asked him, "of what condition he was?" Pythagoras answered; "Sir, I know you have been at the Olympian games." "Yea," saith Hiero. "Thither," saith Pythagoras, "come some to win the prizes. Some come to sell their merchandise, because it is a kind of mart of all Greece. Some come to meet their friends, and to make merry; because of the great confluence of all sorts. Others come only to look on. I am one of them that come to look on." Meaning it, of philosophy, and the contemplative life.

241. Heraclitus the obscure said; "The dry light is the best soul:" meaning, when the faculties intellectual are in vigour, not drenched, or, as it were, blooded by the affections.

242. One of the philosophers was asked; "what a wise man differed from a fool?" He answered, "Send them both naked to those that know them not, and you shall perceive."

243. There was a law made by the Romans against the bribery and extortion of the governors of provinces. Cicero saith in a speech of his to the people, "that he thought the provinces would petition to the state of Rome to have that law repealed. For," saith he, "before the governors did bribe and extort as much as was sufficient for themselves; but now they bribe and extort as much as may be enough not only for themselves, but for the judges, and jurors, and magistrates."

244. Aristippus, sailing in a tempest, showed signs of fear. One of the seamen said to him, in an insulting manner: "We that are plebeians are not troubled; you that are a philosopher are afraid." Aristippus answered; "That there is not the like wager upon it, for you to perish and for me."

245. There was an orator that defended a cause of Aristippus, and prevailed. Afterwards he asked Aristippus; "Now, in your distress, what did Socrates do you good?" Aristippus answered; "Thus, in making that which you said of me to be true."

246. There was an Epicurean vaunted, that divers of other sects of philosophers did after turn Epicureans; but there never were any Epicureans that turned to any other sect. Whereupon a philosopher that was of another sect, said; "The reason was plain, for that cocks may be made capons, but capons could never be made cocks."

247. Chilon would say, "That gold was tried with the touchstone, and men with gold."

248. Simonides being asked of Hiero, "what he thought of God?" asked a seven-night's time to consider of it: and at the seven-night's end he asked a fortnight's time; at the fortnight's end, a month. At which Hiero marvelling, Simonides answered; "that the longer he thought upon the matter, the more difficult he found it."

249. A Spaniard was censuring to a French gentleman the want of devotion amongst the French; in that, whereas in Spain, when the sacrament goes to the sick, any that meets with it, turns back and waits upon it to the house whither it goes; but in France they only do reverence, and pass by. But the French gentleman answered him, "There is reason for it; for here with us, Christ is secure amongst his friends; but in Spain there be so many Jews and Moranos, that it is not amiss for him to have a convoy."

250. Mr. Popham, afterwards lord chief justice Popham, when he was speaker, and the house of commons had set long, and done in effect nothing; coming one day to queen Elizabeth, she said to him; "Now, Mr. Speaker, what hath passed in the commons house?" He answered, "If it please your majesty, seven weeks."

251. Themistocles in his lower fortune was in love with a young gentleman who scorned him; but when he grew to his greatness, which was soon after, he sought him: Themistocles said, "We are both grown wise, but too late."

252. Bion was sailing, and there fell out a great tempest; and the mariners, that were wicked and dissolute fellows, called upon the gods; but Bion said to them, "Peace, let them not know you are here."

253. The Turks made an expedition into Persia; and because of the strait jaws of the mountains of Armenia, the bashaws consulted which way they should get in. One that heard the debate said, "Here is much ado how you shall get in; but I hear nobody take care how you should get out."

254. Philip king of Macedon maintained arguments with a musician in points of his art, somewhat peremptorily; but the musician said to him, "God forbid, Sir, your fortune were so hard, that you should know these things better than myself."

255. Antalcidas, when an Athenian said to him, "Ye Spartans are unlearned;" said again, "True, for we have learned no evil nor vice of you."

256. Pace, the bitter fool, was not suffered to come at queen Elizabeth, because of his bitter humour. Yet at one time, some persuaded the queen that he should come to her; undertaking for him, that he should keep within compass: so he was brought to her, and the queen said; "Come on, Pace; now we shall hear of our faults." Saith Pace; "I do not use to talk of that that all the town talks of."

257. Bishop Latimer said, in a sermon at court, "That he heard great speech that the king was poor; and many ways were propounded to make him rich: for his part he had thought of one way, which was, that they should help the king to some good office, for all his officers were rich."

258. After the defeat of Cyrus the younger, Falinus was sent by the king to the Grecians, who had for their part rather victory than otherwise, to command them to yield their arms: which when it was denied, Falinus said to Clearchus; "Well then, the king lets you know, that if you remove from the place where you are now encamped, it is war: if you stay, it is truce. What shall I say you will do?" Clearchus answered, "It pleaseth us, as it pleaseth the king." "How is that?" saith Falinus. Saith Clearchus, "If we remove, war: if we stay, truce:" and so would not disclose his purpose.

259. Alcibiades came to Pericles, and stayed a while ere he was admitted. When he came in, Pericles civilly excused it, and said: "I was studying how to give mine account." But Alcibiades said to him, "If you will be ruled by me, study rather how to give no account."

260. Mendoza that was viceroy of Peru, was wont to say, "That the government of Peru was the best place that the king of Spain gave, save that it was somewhat too near Madrid."

261. When Vespasian passed from Jewry to take upon him the empire, he went by Alexandria, where remained two famous philosophers, Apollonius and Euphrates. The emperor heard the discourse, touching matter of state, in the presence of many. And when he was weary of them, he brake off, and in a secret derision, finding their discourses but speculative, and not to be put in practice, said; "O that I might govern wise men, and wise men govern me."

262. Cardinal Ximenes, upon a muster, which was taken against the Moors, was spoken to by a servant of his to stand a little out of the smoke of the harquebuss; but he said again, "that that was his incense."

263. Nero was wont to say of his master Seneca, "That his style was like mortar without lime."

264. Augustus Cæsar, out of great indignation against his two daughters, and Posthumus Agrippa, his grandchild; whereof the two first were infamous, and the last otherwise unworthy; would say, "That they were not his seed, but some imposthumes that had broken from him."

265. A seaman coming before the judges of the admiralty for admittance into an office of a ship bound for the Indies, was by one of the judges much slighted, as an insufficient person for that office he sought to obtain; the judge telling him, "that he believed he could not say the points of his compass." The seaman answered; "that he could say them, under favour, better than he could say his Pater-noster." The judge replied; "that he would wager twenty shillings with him upon that." The seaman taking him up, it came to trial: and the seaman began, and said all the points of his compass very exactly: the judge likewise said his Pater-noster; and when he had finished it, he required the wag according to agreement; because the seaman w to say his compass better than he his Pater-nost which he had not performed. "Nay, I pray, Si hold," quoth the seaman, "the wager is not finishe for I have but half done:" and so he immediate said his compass backward very exactly; which t judge failing of in his Pater-noster, the seaman ca ried away the prize.

266. There was a conspiracy, against the emper Claudius by Scribonianus, examined in the senat where Claudius sat in his chair, and one of his fre servants stood at the back of his chair. In the e amination, that freed servant, who had much pow with Claudius, very saucily, had almost all the word and amongst other things, he asked in scorn one the examinates, who was likewise a freed servant Scribonianus; "I pray, Sir, if Scribonianus h been emperor, what would you have done?" E answered; "I would have stood behind his ch and held my peace."

267. One was saying that his great grandfathe and grandfather, and father, died at sea: said a other that heard him, "And I were as you, I wou never come at sea." "Why," saith he, "whe did your great grandfather, and grandfather, a father die?" He answered; "Where but in the beds?" He answered; "And I were as you, would never come in bed."

268. There was a dispute, whether great hea or little heads had the better wit? And one sai "It must needs be the little: for that it is a maxi 'Omne majus continet in se minus.'"

269. Sir Thomas More, when the counsel of t party pressed him for a longer day to perform t decree, said; "Take Saint Barnaby's day, which the longest day in the year." Now Saint Barnaby day was within few days following.

270. One of the fathers saith, "That there is b this difference between the death of old men a young men; that old men go to death, and dea comes to young men."

271. Cassius, after the defeat of Crassus by t Parthians, whose weapons were chiefly arrows, fl to the city of Charras, where he durst not stay a time, doubting to be pursued and besieged; he h with him an astrologer, who said to him, "Sir, would not have you go hence, while the moon is the sign of Scorpio." Cassius answered, "I a more afraid of that of Sagittarius."

272. Jason the Thessalian was wont to say, "th some things must be done unjustly, that many thing may be done justly."

273. Demetrius king of Macedon would at tim retire himself from business, and give himself wh to pleasures. One of those his retirings, giving o that he was sick, his father Antigonus came on t sudden to visit him; and met a fair dainty you coming out of his chamber. When Antigonus ca in, Demetrius said; "Sir, the fever left me rig now." Antigonus replied, "I think it was he th I met at the door."

274. Cato Major would say, "That wise m learned more by fools, than fools by wise men."

275. When it was said to Anaxagoras; "The Athenians have condemned you to die;" he said again, "And nature them."

276. Alexander, when his father wished him to run for the prize of the race at the Olympian games, for he was very swift, answered; "He would, if he might run with kings."

277. Antigonus used often to go disguised, and to listen at the tents of his soldiers; and at a time heard some that spoke very ill of him. Whereupon he opened the tent a little, and said to them; "If you would speak ill of me, you should go a little farther off."

278. Aristippus said; "That those that studied particular sciences, and neglected philosophy, were like Penelope's wooers, that made love to the waiting woman."

279. The ambassadors of Asia Minor came to Antonius, after he had imposed upon them a double tax, and said plainly to him; "That if he would have two tributes in one year, he must give them two seed-times and two harvests."

280. An orator of Athens said to Demosthenes; "The Athenians will kill you if they wax mad." Demosthenes replied, "And they will kill you if they be in good sense."

281. Epictetus used to say; "That one of the vulgar, in any ill that happens to him, blames others; a novice in philosophy blames himself; and a philosopher blames neither the one nor the other."

282. Cæsar in his book that he made against Cato, which is lost, did write, to show the force of opinion and reverence of a man that had once obtained a popular reputation; "There were some that found Cato drunk, and were ashamed instead of Cato."

283. There was a nobleman said of a great counsellor, "that he would have made the worst farrier in the world; for he never shod horse but he cloyed him: for he never commended any man to the king for service, or upon occasion of suit, or otherwise, but that he would come in, in the end, with a *but*, and drive in a nail to his disadvantage."

284. Diogenes called an ill physician, Cock. "Why?" saith he. Diogenes answered; "Because when you crow, men use to rise."

285. There was a gentleman fell very sick, and a friend of his said to him; "Surely, you are in danger; I pray send for a physician." But the sick man answered; "It is no matter, for if I die, I will die at leisure."

286. Cato the elder, what time many of the Romans had statues erected in their honour, was asked by one in a kind of wonder, "Why he had none?" He answered, "He had much rather men should ask and wonder why he had no statue, than why he had a statue."

287. A certain friend of Sir Thomas More's, taking great pains about a book, which he intended to publish, being well conceited of his own wit, which no man else thought worthy of commendation, brought it to Sir Thomas More to peruse it, and pass his judgment upon it; which he did: and finding nothing therein worthy the press, he said to him with a grave countenance; "That if it were in verse it would be more worthy." Upon which words, he went immediately and turned it into verse and then brought it to Sir Thomas again; who looking thereon, said soberly; "Yes, marry, now it is somewhat, for now it is rhyme; whereas before it was neither rhyme nor reason."

288. Sir Henry Wotton used to say, "That critics were like brushers of noblemen's clothes."

289. Hannibal said of Fabius Maximus, and of Marcellus, whereof the former waited upon him, that he could make no progress, and the latter had many sharp fights with him; "that he feared Fabius like a tutor, and Marcellus like an enemy."

290. When king Edward the second was amongst his torturers, who hurried him to and fro, that no man should know where he was, they set him down upon a bank: and one time, the more to disguise his face, shaved him, and washed him with cold water of a ditch by: the king said; "Well, yet I will have warm water for my beard:" and so shed abundance of tears.

291. One of the Seven was wont to say; "That laws were like cobwebs; where the small flies were caught, and the great brake through."

292. Lewis the eleventh of France, having much abated the greatness and power of the peers, nobility, and court of parliament, would say, "That he had brought the crown out of ward."

293. There was a cowardly Spanish soldier, that in a defeat the Moors gave, ran away with the foremost. Afterwards, when the army generally fled, the soldier was missing. Whereupon it was said by some that he was slain. "No sure," said one, "he is alive; for the Moors eat no hare's flesh."

294. A gentleman that was punctual of his word, and loved the same in others, when he heard that two persons had agreed upon a meeting about serious affairs, at a certain time and place; and that the one party failed in the performance, or neglected his hour; would usually say of him, "He is a young man then."

295. Anacharsis would say, concerning the popular estates of Græcia, that "he wondered how at Athens wise men did propose, and fools dispose."

His lordship, when he had finished this collection of Apophthegms, concluded thus: Come, now all is well: they say he is not a wise man that will lose his friend for his wit; but he is less a wise man that will lose his friend for another man's wit.

APOPHTHEGMS,

CONTAINED IN THE ORIGINAL EDITION IN OCTAVO, BUT OMITTED IN LATER COPIES.

1. When queen Elizabeth had advanced Raleigh, she was one day playing on the virginals, and my lord of Oxford and another nobleman stood by. It fell out so, that the ledge before the jacks was taken away, so as the jacks were seen: my lord of Oxford and the other nobleman smiled, and a little whispered. The queen marked it, and would needs know what the matter was? My lord of Oxford answered; "That they smiled to see that when jacks went up, heads went down."

22. Sir Thomas More, who was a man, in all his life-time, that had an excellent vein in jesting, at the very instant of his death, having a pretty long beard, after his head was upon the block, lift it up again, and gently drew his beard aside, and said; "This hath not offended the king."

27. Demonax the philosopher, when he died, was asked touching his burial. He answered, "Never take care for burying me, for stink will bury me." He that asked him, said again; "Why, would you have your body left to the dogs and ravens to feed upon?" Demonax answered; "Why, what great hurt is it, if having sought to do good, when I lived, to men; my body do some good to beasts, when I am dead."

30. Phocion the Athenian, a man of great severity, and no ways flexible to the will of the people, one day, when he spake to the people, in one part of his speech, was applauded: whereupon he turned to one of his friends, and asked, "What have I said amiss?"

34. Bion was wont to say; "That Socrates, of all the lovers of Alcibiades, only held him by the ears."

37. There was a philosopher about Tiberius, that looking into the nature of Caius, said of him; "that he was mire mingled with blood."

42. There was a bishop that was somewhat a delicate person, and bathed twice a day. A friend of his said to him; "My lord, why do you bathe twice a day?" The bishop answered; "Because I cannot conveniently bathe thrice."

89. When Sir Thomas More was lord chancellor, he did use, at mass, to sit in the chancel; and his lady in a pew. And because the pew stood out of sight, his gentleman-usher, ever after service, came to the lady's pew, and said, "Madam, my lord is gone." So when the chancellor's place was taken from him, the next time they went to church, Sir Thomas himself came to his lady's pew, and said; "Madam, my lord is gone."

104. A Grecian captain advising the confederates that were united against the Lacedæmonians, touching their enterprise, gave opinion, that they should go directly upon Sparta, saying; "That the state of Sparta was like rivers; strong when they had run a great way, and weak towards their head."

108. One was examined upon certain scandalous words spoken against the king. He confessed them, and said; "It is true, I spake them, and if the wine had not failed, I had said much more."

110. Trajan would say, "That the king's exchequer was like the spleen; for when that did swell, the whole body did pine."

111. Charles the Bald allowed one, whose name was Scottus, to sit at the table with him, for his pleasure: Scottus sat on the other side of the table. One time the king being merry with him, said to him; "What is there between Scott and sot?" Scottus answered; "The table only."

113. There was a marriage between a widow of great wealth, and a gentleman of a great house, that had no estate or means. Jack Roberts said, "That marriage was like a black pudding; the one brought blood, and the other brought suet and oatmeal."

149. Crœsus said to Cambyses, "That peace was better than war; because in peace the sons did bury their fathers, but in the wars the fathers did bury their sons."

154. Carvajal, when he was drawn to execution, being fourscore and five years old, and laid upon the hurdle, said, "What! young in cradle, old in cradle!"

161. Diogenes was asked in a kind of scorn, "What was the matter, that philosophers haunted rich men, and not rich men philosophers?" He answered, "Because the one knew what they wanted, the other did not."

162. Demetrius, king of Macedon, had a petition offered him divers times by an old woman, and still answered, "He had no leisure." Whereupon the woman said aloud, "Why then give over to be king."

175. There were two gentlemen, otherwise of equal degree, save that the one was of the ancienter house. The other in courtesy asked his hand to kiss: which he gave him; and he kissed it: but said withal, to right himself by way of friendship, "Well, I and you, against any two of them:" putting himself first.

198. Themistocles would say of himself, "That he was like a plane tree, that in tempests men fled to him, and in fair weather men were ever cropping his leaves."

199. Themistocles said of speech, "That it was like arras, that spread abroad shows fair images, but contracted is but like packs."

211. Lycurgus would say of divers of the heroes of the heathen, "That he wondered that men should mourn upon their days for them as mortal men, and yet sacrifice to them as gods."

213. There is an ecclesiastical writer of the papists, to prove antiquity of confession in the form that it now is, doth note, in very ancient times, even

in the primitive times, amongst other foul slanders spread against the christians, one was, "That they did adore the genitories of their priests. Which, he saith, grew, from the posture of the confessant, and the priest in confession: which is, that the confessant kneels down, before the priest sitting in a raised chair above him."

216. Fabricius, in conference with Pyrrhus, was tempted to revolt to him; Pyrrhus telling him, that he should be partner of his fortunes, and second person to him. But Fabricius answered, in a scorn, to such a motion, "Sir, that would not be good for yourself: for if the Epirotes once knew me, they will rather desire to be governed by me than by you."

221. Thales said; "that life and death were all one." One that was present asked him; "Why do not you die then?" Thales said again; "Because they are all one."

223. An Ægyptian priest, having conference with Solon, said to him; "You Grecians are ever children; you have no knowledge of antiquity, nor antiquity of knowledge."

227. Diogenes was one day in the market-place with a candle in his hand; and being asked, "What he sought?" he said, "He sought a man."

228. Bias being asked; How a man should order his life? answered; "As if a man should live long, or die quickly."

229. Queen Elizabeth was entertained by my lord Burleigh at Theobalds: and at her going away, my lord obtained of the queen to make seven knights. They were gentlemen of the country, of my lord's friends and neighbours. They were placed in a rank, as the queen should pass by the hall, and to win antiquity of knighthood, in order, as my lord favoured; though indeed the more principal gentlemen were placed lowest. The queen was told of it, and said nothing; but when she went along, she passed them all by, as far as the skreen, as if she had forgot it: and when she came to the skreen, she seemed to take herself with the manner, and said, "I had almost forgot what I promised." With that she turned back, and knighted the lowest first, and so upward. Whereupon Mr. Stanhope, of the privy-chamber, a while after told her; "Your majesty was too fine for my lord Burleigh." She answered; "I have but fulfilled the Scripture; 'the first shall be last, and the last first.'"

235. Sir Fulke Grevill had much and private access to queen Elizabeth, which he used honourably, and did many men good; yet he would say merrily of himself, "That he was like Robin Goodfellow; for when the maids spilt the milkpans, or kept any racket, they would lay it upon Robin: so what tales the ladies about the queen told her, or other bad offices that they did, they would put it upon him."

240. There was a politic sermon, that had no divinity in it, preached before the king. The king, as he came forth, said to bishop Andrews; "Call you this a sermon?" The bishop answered, "And it please your majesty, by a charitable construction, it may be a sermon."

244. Henry Noel would say, "That courtiers were like fasting-days; they were next the holy-days, but in themselves they were the most meagre days of the week."

247. Cato said, "The best way to keep good acts in memory, was to refresh them with new."

259. Aristippus said, "He took money of his friends, not so much to use it himself, as to teach them how to bestow their money."

260. A strumpet said to Aristippus, "That she was with child by him:" he answered, "You know that no more than if you went through a hedge of thorns, you could say, This thorn pricked me."

263. Democritus said, "That truth did lie in profound pits, and when it was got, it needed much refining."

266. Diogenes said of a young man that danced daintily, and was much commended: "The better, the worse."

271. There was a nobleman that was lean of visage, but immediately after his marriage he grew pretty plump and fat. One said to him, "Your lordship doth contrary to other married men; for they at the first wax lean, and you wax fat." Sir Walter Raleigh stood by, and said; "Why, there is no beast, that if you take him from the common, and put him into the several, but he will wax fat."

272. Diogenes seeing one, that was a bastard, casting stones among the people, bad him "take heed that he hit not his father."

275. It was said by many concerning the canons of the council of Trent, "That we are beholden to Aristotle for many articles of our faith."

CERTAIN APOPHTHEGMS OF LORD BACON.

FIRST PUBLISHED IN THE REMAINS.

1. Plutarch said well, "It is otherwise in a commonwealth of men than of bees: the hive of a city or kingdom is in best condition when there is least of noise or buzz in it."

2. The same Plutarch said of men of weak abilities set in great place, "That they were like little statues set on great bases, made to appear the less by their advancement."

3. He said again, "Good fame is like fire. When you have kindled it, you may easily preserve it; but if once you extinguish it, you will not easily kindle it again; at least, not make it burn as bright as it did."

4. Queen Elizabeth seeing Sir Edward —— in her garden, looked out at her window, and asked him in Italian, "What does a man think of when he

thinks of nothing?" Sir Edward, who had not had the effect of some of the queen's grants so soon as he hoped and desired, paused a little; and then made answer, "Madam, he thinks of a woman's promise." The queen shrunk in her head; but was heard to say, "Well, Sir Edward, I must not confute you." Anger makes dull men witty, but it keeps them poor.

5. When any great officer, ecclesiastical or civil, was to be made, the queen would inquire after the piety, integrity, and learning of the man. And when she was satisfied in these qualifications, she would consider of his personage. And upon such an occasion she pleased once to say to me, "Bacon, how can the magistrate maintain his authority when the man is despised?"

6. In eighty-eight, when the queen went from Temple-bar along Fleet-street, the lawyers were ranked on one side, and the companies of the city on the other: said Mr. Bacon to a lawyer who stood next to him, "Do but observe the courtiers; if they bow first to the citizens, they are in debt; if first to us, they are in law."

7. King James was wont to be very earnest with the country gentlemen to go from London to their country houses. And sometimes he would say thus to them, "Gentlemen, at London you are like ships at sea, which show like nothing; but in your country villages you are like ships in a river, which look like great things."

8. Soon after the death of a great officer, who was judged no advancer of the king's matters, the king said to his solicitor Bacon, who was his kinsman, "Now tell me truly, what say you of your cousin that is gone?" Mr. Bacon answered, "Sir, since your majesty doth charge me, I'll e'en deal plainly with you, and give you such a character of him, as if I were to write his story. I do think he was no fit counsellor to make your affairs better; but yet he was fit to have kept them from growing worse." The king said, "On my so'l, man, in the first thou speakest like a true man, and in the latter, like a kinsman."

9. King James, as he was a prince of great judgment, so he was a prince of a marvellous pleasant humour; and there now come into my mind two instances of it. As he was going through Lusen, by Greenwich, he asked what town it was? They said, Lusen. He asked a good while after, "What town is this we are now in?" They said still, 'twas Lusen. "On my so'l," said the king, "I will be king of Lusen."

10. In some other of his progresses, he asked how far it was to a town whose name I have forgotten. They said, Six miles. Half an hour after, he asked again. One said, Six miles and a half. The king alighted out of his coach, and crept under the shoulder of his led horse. And when some asked his majesty what he meant? "I must stalk," said he, "for yonder town is shy, and flies me."

11. Count Gondomar sent a compliment to my lord St. Alban, wishing him a good Easter. My lord thanked the messenger, and said, "He could not at present requite the count better than in returning him the like; that he wished his lordship a good Passover."

12. My lord chancellor Elsemere, when he had read a petition which he disliked, would say, "W you would have my hand to this now?" And party answering, "Yes;" he would say fart "Well, so you shall: nay, you shall have both hands to it." And so would, with both his ha tear it in pieces.

13. Sir Francis Bacon was wont to say of angry man who suppressed his passion, "That thought worse than he spake;" and of an an man that would chide, "That he spoke worse t he thought."

14. He wont also to say, "That power in an man was like the power of a black witch; he co do hurt, but no good with it." And he would a "That the magicians could turn water into blo but could not turn the blood again to water."

15. When Mr. Attorney Coke, in the exchequ gave high words to Sir Francis Bacon, and sto much upon his higher place; Sir Francis said him, "Mr. Attorney, the less you speak of your o greatness, the more I shall think of it: and t more, the less."

16. Sir Francis Bacon coming into the earl Arundel's garden, where there were a great number ancient statues of naked men and women, made a stan and, as astonished, cried out, "The resurrection!"

17. Sir Francis Bacon, who was always for m derate counsels, when one was speaking of such reformation of the church of England, as would effect make it no church; said thus to him, "Si the subject we talk of is the eye of England; and there be a speck or two in the eye, we endeavour t take them off; but he were a strange oculist wh would pull out the eye."

18. The same Sir Francis Bacon was wont t say, "That those who left useful studies for usele scholastic speculations, were like the Olympic game sters, who abstained from necessary labours, tha they might be fit for such as were not so."

19. He likewise often used this comparison "* The empirical philosophers are like to pismires they only lay up and use their store. The ration alists are like the spiders; they spin all out of thei own bowels. But give me a philosopher, who like th bee hath a middle faculty, gathering from abroad, bu digesting that which is gathered by his own virtue."

20. The lord St. Alban, who was not over-hasty to raise theories, but proceeded slowly by experiments, was wont to say to some philosophers, who would not go his pace, "Gentlemen, nature is a labyrinth, in which the very haste you move with, will make you lose your way."

21. The same lord, when he spoke of the Dutchmen, used to say, "That he could not abandon them for our safety, nor keep them for our profit." And sometimes he would express the same sense in this manner; "We hold the Belgic lion by the ears."

22. The same lord, when a gentleman seemed not much to approve of his liberality to his retinue, said to him, "Sir, I am all of a piece; if the head be lifted up, the inferior parts of the body must too."

23. The lord Bacon was wont to commend

* See the substance of this in Novum Organum; and Cogitata et Visa.

advice of the plain old man at Buxton, that sold brooms: a proud lazy young fellow came to him for a besom upon trust; to whom the old man said, "Friend, hast thou no money? borrow of thy back, or borrow of thy belly, they'll ne'er ask thee again, but will be dunning thee every day."

24. Jack Weeks said of a great man, just then dead, who pretended to some religion, but was none of the best livers, "Well, I hope he is in heaven. Every man thinks as he wishes; but if he be in heaven, 'twere pity it were known."

ORNAMENTA RATIONALIA:

OR, ELEGANT SENTENCES,

SOME MADE, OTHERS COLLECTED BY THE LORD BACON; AND BY HIM PUT UNDER THE ABOVESAID TITLE.

COLLECTED OUT OF THE MIMI OF PUBLIUS, AND PUBLISHED IN THE REMAINS.

1. "ALEATOR, quanto in arte est melior, tanto est nequior."
A gamester, the greater master he is in his art, the worse man he is.
2. "Arcum intensio frangit; animum, remissio."
Much bending breaks the bow; much unbending, the mind.
3. "Bis vincit, qui se vincit in victoria."
He conquers twice, who upon victory overcomes himself.
4. "Cum vitia prosint, peccat, qui recte facit."
If vices were upon the whole matter profitable, the virtuous man would be the sinner.
5. "Bene dormit, qui non sentit quod male dormiat."
He sleeps well, who feels not that he sleeps ill.
6. "Deliberare utilia, mora est tutissima."
To deliberate about useful things, is the safest delay.
7. "Dolor decrescit, ubi quo crescat non habet."
The flood of grief decreaseth, when it can swell no higher.
8. "Etiam innocentes cogit mentiri dolor."
Pain makes even the innocent man a liar.
9. "Etiam celeritas in desiderio, mora est."
In desire, swiftness itself is delay.
10. "Etiam capillus unus habet umbram suam."
The smallest hair casts a shadow.
11. "Fidem qui perdit, quo se servat in reliquum?"
He that has lost his faith, what has he left to live on?
12. "Formosa facies muta commendatio est."
A beautiful face is a silent commendation.
13. "Fortuna nimium quem fovet, stultum facit."
Fortune makes him a fool, whom she makes her darling.
14. "Fortuna obesse nulli contenta est semel."
Fortune is not content to do a man but one ill turn.
15. "Facit gratum fortuna, quem nemo videt."
The fortune which nobody sees, makes a man happy and unenvied.
16. "Heu! quam miserum est ab illo lædi, de quo non possis queri."
O! what a miserable thing it is to be hurt by such a one of whom it is in vain to complain.
17. "Homo toties moritur quoties amittit suos."
A man dies as often as he loses his friends.
18. "Hæredis fletus sub persona risus est."
The tears of an heir are laughter under a vizard.
19. "Jucundum nihil est, nisi quod reficit varietas."
Nothing is pleasant, to which variety does not give a relish.
20. "Invidiam ferre, aut fortis, aut felix potest."
He may bear envy, who is either courageous or happy.
21. "In malis sperare bonum, nisi innocens, nemo potest."
None but a virtuous man can hope well in ill circumstances.
22. "In vindicando, criminosa est celeritas."
In taking revenge, the very haste we make is criminal.
23. "In calamitoso risus etiam injuria est."
When men are in calamity, if we do but laugh we offend.
24. "Improbe Neptunum accusat, qui iterum naufragium facit."
He accuseth Neptune unjustly, who makes shipwreck a second time.
25. "Multis minatur, qui uni facit injuriam."
He that injures one, threatens a hundred.
26. "Mora omnis ingrata est, sed facit sapientiam."
All delay is ungrateful, but we are not wise without it.
27. "Mori est felicis antequam mortem invocet."
Happy he who dies ere he calls for death to take him away.

28. "Malus ubi bonum se simulat, tunc est pessimus."
An ill man is always ill; but he is then worst of all, when he pretends to be a saint.

29. "Magno cum periculo custoditur, quod multis placet."
Lock and key will scarce keep that secure, which pleases every body.

30. "Male vivunt qui se semper victuros putant."
They think ill, who think of living always.

31. "Male secum agit æger, medicum qui hæredem facit."
The sick man does ill for himself, who makes his physician his heir.

32. "Multos timere debet, quem multi timent."
He of whom many are afraid, ought himself fear many.

33. "Nulla tam bona est fortuna, de qua nil pos queri."
There is no fortune so good, but it bates an a

34. "Pars beneficii est, quod petitur si bene nege
It is part of the gift, if you deny genteelly wh is asked of you.

35. "Timidus vocat se cautum, parcum sordidu
The coward calls himself a wary man; and t miser says he is frugal.

36. "O vita! misero longa, felici brevis."
O life! an age to him that is in misery; a to him that is happy, a moment.

A COLLECTION OF SENTENCES

OUT OF SOME OF THE WRITINGS OF THE LORD BACON.

1. It is a strange desire which men have, to seek power, and lose liberty.

2. Children increase the cares of life; but they mitigate the remembrance of death.

3. Round dealing is the honour of man's nature; and a mixture of falsehood is like alloy in gold and silver, which may make the metal work the better, but it embaseth it.

4. Death openeth the gate to good fame, and extinguisheth envy.

5. Schism in the spiritual body of the church is a greater scandal than a corruption of manners: as, in the natural body, a wound or solution of continuity is worse than a corrupt humour.

6. Revenge is a kind of wild justice, which the more a man's nature runs to, the more ought law to weed it out.

7. He that studieth revenge, keepeth his own wounds green.

8. Revengeful persons live and die like witches: their life is mischievous, and their end is unfortunate.

9. It was a high speech of Seneca, after the manner of the Stoics, that the good things which belong to prosperity, are to be wished; but the good things which belong to adversity, are to be admired.

10. He that cannot see well, let him go softly.

11. If a man be thought secret, it inviteth discovery; as the more close air sucketh in the more open.

12. Keep your authority wholly from your children, not so your purse.

13. Men of noble birth are noted to be envious towards new men when they rise; for the distance is altered; and it is like a deceit of the eye, that when others come on, they think themselves go back.

14. That envy is most malignant which is like Cain's, who envied his brother, because his sacrifice was better accepted, when there was nobody but God to look on.

15. The lovers of great place are impatient privateness, even in age, which requires the shado like old townsmen, that will be still sitting at the street door, though there they offer age to scorn.

16. In evil, the best condition is, not to will: th next, not to can.

17. In great place, ask counsel of both times: the ancient time, what is best; and of the latter tim what is fittest.

18. As in nature things move more violently a their place, and calmly in their place: so virtue i ambition is violent; in authority, settled and calm.

19. Boldness in civil business is like pronuncia tion in the orator of Demosthenes; the first, second and third thing.

20. Boldness is blind: wherefore it is ill i counsel, but good in execution. For in counsel i is good to see dangers; in execution, not to see them except they be very great.

21. Without good-nature, man is but a better kind of vermin.

22. God never wrought miracle to convince atheism, because his ordinary works convince it.

23. The great atheists indeed are hypocrites who are always handling holy things, but without feeling; so as they must needs be cauterized in the end.

24. The master of superstition is the people. And in all superstition, wise men follow fools.

25. In removing superstitions, care would be had that, as it fareth in ill purgings, the good be not taken away with the bad: which commonly is done when the people is the physician.

26. He that goeth into a country before he hath some entrance into the language, goeth to school, and not to travel.

27. It is a miserable state of mind, and yet it is commonly the case of kings, to have few things to desire and many things to fear.

28. Depression of the nobility may make a king more absolute, but less safe.

29. All precepts concerning kings are, in effect, comprehended in these remembrances: remember thou art a man; remember thou art God's vicegerent: the one bridleth their power, and the other their will.

30. Things will have their first or second agitation: if they be not tossed upon the arguments of counsel, they will be tossed upon the waves of fortune.

31. The true composition of a counsellor is, rather to be skilled in his master's business than his nature; for then he is like to advise him, and not to feed his humour.

32. Private opinion is more free, but opinion before others is more reverent.

33. Fortune is like a market, where many times if you stay a little the price will fall.

34. Fortune sometimes turneth the handle of the bottle, which is easy to be taken hold of; and after, the belly, which is hard to grasp.

35. Generally it is good to commit the beginning of all great actions to Argus with a hundred eyes; and the ends of them to Briareus with a hundred hands; first to watch, and then to speed.

36. There is great difference betwixt a cunning man and a wise man. There be that can pack the cards, who yet cannot play well; they are good in canvasses and factions, and yet otherwise mean men.

37. Extreme self-lovers will set a man's house on fire, though it were but to roast their eggs.

38. New things, like strangers, are more admired, and less favoured.

39. It were good that men, in their innovations, would follow the example of time itself, which indeed innovateth greatly, but quietly, and by degrees scarce to be perceived.

40. They that reverence too much old time, are but a scorn to the new.

41. The Spaniards and Spartans have been noted to be of small despatch. "Mi venga la muerte de Spagna;" Let my death come from Spain, for then it will be sure to be long a coming.

42. You had better take for business a man somewhat absurd, than over-formal.

43. Those who want friends to whom to open their griefs, are cannibals of their own hearts.

44. Number itself importeth not much in armies, where the people are of weak courage; for, as Virgil says, it never troubles a wolf how many the sheep be.

45. Let states that aim at greatness, take heed how their nobility and gentry multiply too fast. In coppice woods, if you leave your staddles too thick, you shall never have clean underwood, but shrubs and bushes.

46. A civil war is like the heat of a fever; but a foreign war is like the heat of exercise, and serveth to keep the body in health.

47. Suspicions among thoughts, are like bats among birds, they ever fly by twilight.

48. Base natures, if they find themselves once suspected, will never be true.

49. Men ought to find the difference between saltness and bitterness. Certainly he that hath a satirical vein, as he maketh others afraid of his wit, so he had need be afraid of others' memory.

50. Discretion in speech is more than eloquence.

51. Men seem neither well to understand their riches, nor their strength: of the former they believe greater things than they should, and of the latter much less. And from hence certain fatal pillars have bounded the progress of learning.

52. Riches are the baggage of virtue; they cannot be spared, nor left behind; but they hinder the march.

53. Great riches have sold more men than ever they have bought out.

54. Riches have wings, and sometimes they fly away of themselves, and sometimes they must be set flying to bring in more.

55. He that defers his charity until he is dead, is, if a man weighs it rightly, rather liberal of another man's than of his own.

56. Ambition is like choler; if it can move, it makes men active; if it be stopped, it becomes adust, and makes men melancholy.

57. To take a soldier without ambition, is to pull off his spurs.

58. Some ambitious men seem as skreens to princes in matters of danger and envy. For no man will take such parts, except he be like the seel'd dove, that mounts and mounts, because he cannot see about him.

59. Princes and states should choose such ministers as are more sensible of duty than rising; and should discern a busy nature from a willing mind.

60. A man's nature runs either to herbs or weeds; therefore let him seasonably water the one, and destroy the other.

61. If a man look sharply and attentively, he shall see fortune; for though she be blind, she is not invisible.

62. Usury bringeth the treasury of a realm or state into few hands: for the usurer being at certainties, and others at uncertainties, at the end of the game most of the money will be in the box.

63. Virtue is best in a body that hath rather dignity of presence, than beauty of aspect. The beautiful prove accomplished, but not of great spirit; and study, for the most part, rather behaviour than virtue.

64. The best part of beauty is that which a picture cannot express.

65. He who builds a fair house upon an ill seat, commits himself to prison.

66. If you will work on any man, you must either know his nature and fashions, and so lead him; or his ends, and so persuade him; or his weaknesses and disadvantages, and so awe him; or those that have interest in him, and so govern him.

67. Costly followers, among whom we may reckon those who are importunate in suits, are not to be liked; lest, while a man maketh his train longer, he make his wings shorter.

68. Fame is like a river that beareth up things light and swollen, and drowns things weighty and solid.

69. Seneca saith well, that anger is like rain, which breaks itself upon that it falls.

70. Excusations, cessions, modesty itself well governed, are but arts of ostentation.

71. High treason is not written in ice; that when the body relenteth, the impression should go away.

72. The best governments are always subject to be like the fairest crystals, wherein every icicle or grain is seen, which in a fouler stone is never perceived.

73. Hollow church papists are like the roots of nettles, which themselves sting not; but yet they bear all the stinging leaves.

SHORT NOTES FOR

CIVIL CONVERSATION.

1. To deceive men's expectations generally, which cautel, argueth a staid mind, and unexpected constancy: viz. in matters of fear, anger, sudden joy or grief, and all things which may affect or alter the mind in public or sudden accidents, or such like.

2. It is necessary to use a stedfast countenance, not wavering with action, as in moving the head or hand too much, which showeth a fantastical, light, and fickle operation of the spirit, and consequently like mind as gesture: only it is sufficient, with leisure, to use a modest action in either.

3. In all kinds of speech, either pleasant, grave, severe, or ordinary, it is convenient to speak leisurely, and rather drawingly, than hastily: because hasty speech confounds the memory, and oftentimes, besides unseemliness, drives a man either to a nonplus or unseemly stammering, harping upon that which should follow; whereas a slow speech confirmeth the memory, addeth a conceit of wisdom to the hearers, besides a seemliness of speech and countenance.

4. To desire in discourse to hold all arguments, is ridiculous, wanting true judgment; for in all things no man can be exquisite.

5, 6. To have common places to discourse, and to want variety, is both tedious to the hearers, and shows a shallowness of conceit; therefore it is good to vary, and suit speeches with the present occasions; and to have a moderation in all our speeches, especially in jesting, of religion, state, great persons, weighty and important business, poverty, or any thing deserving pity.

7. A long continued speech, without a good speech of interlocution, showeth slowness: and a good reply, without a good set speech, showeth shallowness and weakness.

8. To use circumstances, ere you come to the matter, is wearisome; and to use none at all, is but blunt.

9. Bashfulness is a great hinderance to a man, both of uttering his conceit, and understanding what is propounded unto him: wherefore it is good to press himself forwards with discretion, both in speech, and company of the better sort.

"Usus promptos facit."

AN ESSAY ON DEATH.

1. I HAVE often thought upon death, and I find it the least of all evils. All that which is past is as a dream; and he that hopes or depends upon time coming, dreams waking. So much of our life as we have discovered is already dead; and all those hours which we share, even from the breasts of our mother, until we return to our grandmother the earth, are part of our dying days; whereof even this is one, and those that succeed are of the same nature, for we die daily; and as others have given place to us, so we must in the end give way to others.

2. Physicians, in the name of death, include all sorrow, anguish, disease, calamity, or whatsoever can fall in the life of man, either grievous or unwelcome: but these things are familiar unto us, and we suffer them every hour; therefore we die daily, and I am older since I affirmed it.

3. I know many wise men, that fear to die; for the change is bitter, and flesh would refuse to prove it: besides, the expectation brings terror, and that exceeds the evil. But I do not believe, that any man fears to be dead, but only the stroke of death: and such are my hopes, that if Heaven be pleased, and nature renew but my lease for twenty-one years more, without asking longer days, I shall be strong enough to acknowledge without mourning that I was begotten mortal. Virtue walks not in the highway, though she go per alta; this is strength and the blood to virtue, to contemn things that be desired, and to neglect that which is feared.

4. Why should man be in love with his fetters, though of gold? Art thou drowned in security? Then I say thou art perfectly dead. For though thou movest, yet thy soul is buried within thee, and thy good angel either forsakes his guard or sleeps.

There is nothing under heaven, saving a true friend, who cannot be counted within the number of moveables, unto which my heart doth lean. And this dear freedom hath begotten me this peace, that I mourn not for that end which must be, nor spend one wish to have one minute added to the uncertain date of my years. It was no mean apprehension of Lucian, who says of Menippus, that in his travels through hell he knew not the kings of the earth from other men, but only by their louder cryings and tears: which was fostered in them through the remorseful memory of the good days they had seen, and the fruitful havings which they so unwillingly left behind them: he that was well seated, looked back at his portion, and was loth to forsake his farm; and others, either minding marriages, pleasures, profit, or preferment, desired to be excused from death's banquet: they had made an appointment with earth, looking at the blessings, not the hand that enlarged them, forgetting how unclothedly they came hither, or with what naked ornaments they were arrayed.

5. But were we servants of the precept given, and observers of the heathen's rule, "memento mori," and not become benighted with this seeming felicity, we should enjoy it as men prepared to lose, and not wind up our thoughts upon so perishing a fortune: he that is not slackly strong, as the servants of pleasure, how can he be found unready to quit the veil and false visage of his perfection? The soul having shaken off her flesh, doth then set up for herself, and contemning things that are under, shows what finger hath enforced her; for the souls of idiots are of the same piece with those of statesmen, but now and then nature is at a fault, and this good guest of ours takes soil in an imperfect body, and so is slackened from showing her wonders; like an excellent musician, which cannot utter himself upon a defective instrument.

6. But see how I am swerved, and lose my course, touching at the soul, that doth least hold action with death, who hath the surest property in this frail act; his stile is the end of all flesh, and the beginning of incorruption.

This ruler of monuments leads men for the most part out of this world with their heels forward; in token that he is contrary to life; which being detained, sends men headlong into this wretched theatre, where being arrived, their first language is that of mourning. Nor in my own thoughts, can I compare men more fitly to any thing, than to the Indian fig-tree, which being ripened to his full height, is said to decline his branches down to the earth; whereof she conceives again, and they become roots in their own stock.

So man having derived his being from the earth, first lives the life of a tree, drawing his nourishment as a plant, and made ripe for death he tends downwards, and is sowed again in his mother the earth, where he perisheth not, but expects a quickening.

7. So we see death exempts not a man from being, but only presents an alteration; yet there are some men, I think, that stand otherwise persuaded. Death finds not a worse friend than an alderman, to whose door I never knew him welcome; but he is an importunate guest, and will not be said nay.

And though they themselves shall affirm, that they are not within, yet the answer will not be taken; and that which heightens their fear is, that they know they are in danger to forfeit their flesh, but are not wise of the payment day: which sickly uncertainty is the occasion that, for the most part, they step out of this world unfurnished for their general account, and being all unprovided, desire yet to hold their gravity, preparing their souls to answer in scarlet.

Thus I gather, that death is disagreeable to most citizens, because they commonly die intestate: this being a rule, that when their will is made, they think themselves nearer a grave than before: now they, out of the wisdom of thousands, think to scare destiny, from which there is no appeal, by not making a will, or to live longer by protestation of their unwillingness to die. They are for the most part well made in this world, accounting their treasure by legions, as men do devils, their fortune looks toward them, and they are willing to anchor at it, and desire, if it be possible, to put the evil day far off from them, and to adjourn their ungrateful and killing period.

No, these are not the men which have bespoken death, or whose looks are assured to entertain a thought of him.

8. Death arrives gracious only to such as sit in darkness, or lie heavy burdened with grief and irons; to the poor christian, that sits bound in the galley; to despairful widows, pensive prisoners, and deposed kings; to them whose fortune runs back, and whose spirit mutinies; unto such death is a redeemer, and the grave a place for retiredness and rest.

These wait upon the shore of death, and waft unto him to draw near, wishing above all others to see his star, that they might be led to his place, wooing the remorseless sisters to wind down the watch of their life, and to break them off before the hour.

9. But death is a doleful messenger to a usurer, and fate untimely cuts their thread: for it is never mentioned by him, but when rumours of war and civil tumults put him in mind thereof.

And when many hands are armed, and the peace of a city in disorder, and the foot of the common soldiers sounds an alarm on his stairs, then perhaps such a one, broken in thoughts of his monies abroad, and cursing the monuments of coin which are in his house, can be content to think of death, and, being hasty of perdition, will perhaps hang himself, lest his throat should be cut; provided that he may do it in his study, surrounded with wealth, to which his eye sends a faint and languishing salute, even upon the turning off; remembering always, that he have time and liberty, by writing, to depute himself as his own heir.

For that is a great peace to his end, and reconciles him wonderfully upon the point.

10. Herein we all dally with ourselves, and are without proof till necessity. I am not of those that dare promise to pine away myself in vain-glory, and

I hold such to be but feat boldness, and them that dare commit it to be vain. Yet for my part, I think nature should do me great wrong, if I should be so long in dying, as I was in being born.

To speak truth, no man knows the lists of his own patience; nor can divine how able he shall be in his sufferings, till the storm come; the perfectest virtue being tried in action: but I would, out of a care to do the best business well, ever keep a guard, and stand upon keeping faith and a good conscience.

11. And if wishes might find place, I would die together, and not my mind often, and my body once; that is, I would prepare for the messengers of death, sickness, and affliction, and not wait long, or be attempted by the violence of pain.

Herein I do not profess myself a Stoic, to hold grief no evil, but opinion, and a thing indifferent.

But I consent with Cæsar, that the suddenest passage is easiest, and there is nothing more awakens our resolve and readiness to die, than the quieted conscience, strengthened with opinion that we shall be well spoken of upon earth by those that are just, and of the family of virtue; the opposite whereof is a fury to man, and makes even life unsweet.

Therefore, what is more heavy than evil fame deserved? Or, likewise, who can see worse days, than he that yet living doth follow at the funerals of his own reputation?

I have laid up many hopes, that I am privileged from that kind of mourning, and could wish the like peace to all those with whom I wage love.

12. I might say much of the commodities that death can sell a man; but briefly, death is a friend of ours, and he that is not ready to entertain him, is not at home. Whilst I am, my ambition is not to fore-flow the tide; I have but so to make my interest of it, as I may account for it; I would wish nothing but what might better my days, nor desire any greater place than the front of good opinion. I make not love to the continuance of days, but to the goodness of them; nor wish to die, but refer myself to my hour, which the great Dispenser of all things hath appointed me; yet as I am frail, and suffered for the first fault, were it given me to choose, I should not be earnest to see the evening of my age; that extremity of itself being a disease, and a mere return into infancy: so that if perpetuity of life might be given me, I should think what the Greek poet said, Such an age is a mortal evil. And since I must needs be dead, I require it may not be done before mine enemies, that I be not stript before I be cold; but before my friends. The night was even now; but that name is lost; it is not now late, but early. Mine eyes begin now to discharge their watch, and compound with this fleshly weakness for a time of perpetual rest; and I shall presently be as happy for a few hours, as I had died the first hour I was born.

THEOLOGICAL WORKS.

A CONFESSION OF FAITH,

WRITTEN BY

THE RIGHT HONOURABLE FRANCIS BACON, BARON OF VERULAM, &c.

I BELIEVE that nothing is without beginning, but God; no nature, no matter, no spirit, but one only, and the same God. That God, as he is eternally Almighty, only wise, only good in his nature; so he is eternally Father, Son, and Spirit, in persons.

I believe that God is so holy, pure, and jealous, as it is impossible for him to be pleased in any creature, though the work of his own hands; so that neither angel, man, nor world, could stand, or can stand, one moment in his eyes, without beholding the same in the face of a Mediator; and therefore, that before him, with whom all things are present, the Lamb of God was slain before all worlds; without which eternal counsel of his, it was impossible for him to have descended to any work of creation; but he should have enjoyed the blessed and individual society of three persons in Godhead for ever.

But that, out of his eternal and infinite goodness and love purposing to become a Creator, and to communicate to his creatures, he ordained in his eternal counsel, that one person of the Godhead should be united to one nature, and to one particular of his creatures; that so, in the person of the Mediator, the true ladder might be fixed, whereby God might descend to his creatures, and his creatures might ascend to God: so that God, by the reconcilement of the Mediator, turning his countenance towards his creatures, though not in equal light and degree, made way unto the dispensation of his most holy and secret will; whereby some of his creatures might stand, and keep their state; others might possibly fall, and be restored; and others might fall, and not be restored to their estate, but yet remain in being, though under wrath and corruption: all with respect to the Mediator; which is the great mystery and perfect centre of all God's ways with his creatures, and unto which all his other works and wonders do but serve and refer.

That he chose, according to his good pleasure, man to be that creature, to whose nature the person of the eternal Son of God should be united: and amongst the generations of men, elected a small flock, in whom, by the participation of himself, he purposed to express the riches of his glory; all the ministration of angels, damnation of devils and reprobates, and universal administration of all creatures, and dispensation of all times, having no other end, but as the ways and ambages of God, to be further glorified in his saints, who are one with their head the Mediator, who is one with God.

That by the virtue of this his eternal counsel he condescended of his own good pleasure, and according to the times and seasons to himself known, to become a Creator; and by his eternal Word created all things; and by his eternal Spirit doth comfort and preserve them.

That he made all things in their first estate good, and removed from himself the beginning of all evil and vanity into the liberty of the creature: but reserved in himself the beginning of all restitution to the liberty of his grace; using, nevertheless, and turning the falling and defection of the creature, which to his prescience was eternally known, to make way to his eternal counsel, touching a Mediator, and the work he purposed to accomplish in him.

That God created spirits, whereof some kept their standing, and others fell: he created heaven and earth, and all their armies and generations; and gave unto them constant and everlasting laws, which we call nature; which is nothing but the laws of the creation; which laws nevertheless have had three changes or times, and are to have a fourth or last. The first, when the matter of heaven and earth was created without forms: the second, the interim of perfection of every day's work: the third, by the curse, which notwithstanding was no new creation: and the last at the end of the world, the manner whereof is not yet fully revealed: so as the laws of nature, which now remain and govern inviolably till the end of the world, began to be in force

when God first rested from his works, and ceased to create; but received a revocation, in part, by the curse; since which time they change not.

That notwithstanding God hath rested and ceased from creating since the first sabbath, yet nevertheless he doth accomplish and fulfil his divine will in all things, great and small, singular and general, as fully and exactly by providence, as he could by miracle and new creation, though his working be not immediate and direct, but by compass; not violating nature, which is his own law, upon the creature.

That at the first, the soul of man was not produced by heaven or earth, but was breathed immediately from God: so that the ways and proceedings of God with spirits are not included in nature, that is, in the laws of heaven and earth, but are reserved to the law of his secret will and grace: wherein God worketh still, and resteth not from the work of redemption, as he resteth from the work of creation; but continueth working till the end of the world: what time that work also shall be accomplished, and an eternal sabbath shall ensue. Likewise, that whensoever God doth transcend the law of nature by miracles, which may ever seem as new creations, he never cometh to that point or pass, but in regard of the work of redemption, which is the greater, and whereto all God's signs and miracles do refer.

That God created man in his own image, in a reasonable soul, in innocency, in free-will, and in sovereignty: that he gave him a law and commandment, which was in his power to keep, but he kept it not: that man made a total defection from God, presuming to imagine that the commandments and prohibitions of God, were not the rules of good and evil, but that good and evil had their own principles and beginnings, and lusted after the knowledge of those imagined beginnings; to the end, to depend no more upon God's will revealed, but upon himself and his own light, as a God; than the which there could not be a sin more opposite to the whole law of God: that yet, nevertheless, this great sin was not originally moved by the malice of man, but was insinuated by the suggestion and instigation of the devil, who was the first defected creature, and fell of malice, not by temptation.

That upon the fall of man, death and vanity entered by the justice of God; and the image of God in man was defaced; and heaven and earth, which were made for man's use, were subdued to corruption by his fall; but then, that instantly, and without intermission of time, after the word of God's law became, through the fall of man, frustrate as to obedience, there succeeded the greater word of the promise, that the righteousness of God might be wrought by faith.

That as well the law of God as the word of his promise endure the same for ever: but that they have been revealed in several manners, according to the dispensation of times. For the law was first imprinted in that remnant of light of nature, which was left after the fall, being sufficient to accuse: then it was more manifestly expressed in the written law; and was yet more opened by the prophets; and, lastly, expounded in the true perfection by th Son of God, the great Prophet, and perfect interpr ter, as also fulfiller of the law. That likewise th word of the promise was manifested and revealed first, by immediate revelation and inspiration; aft by figures, which were of two natures: the on the rites and ceremonies of the law; the other, th continual history of the old world, and church the Jews; which though it be literally true, yet it pregnant of a perpetual allegory and shadow the work of the redemption to follow. The sam promise or evangile was more clearly revealed a declared by the prophets, and then by the Son hi self, and lastly by the Holy Ghost, which illuminate the church to the end of the world.

That in the fulness of time, according to the pr mise and oath, of a chosen lineage descended t blessed seed of the woman, Jesus Christ, the on begotten Son of God and Saviour of the world; w was conceived by the power and overshadowing the Holy Ghost, and took flesh of the virgin Ma that the Word did not only take flesh, or was join to flesh, but was made flesh, though without con sion of substance or nature: so as the eternal S of God and the ever blessed Son of Mary was a person; so one, as the blessed virgin may be tru and catholicly called Deipara, the Mother of Go so one, as there is no unity in universal nature, a that of the soul and body of man, so perfect; t the three heavenly unities, whereof that is the t cond, exceed all natural unities: that is to say, t unity of the three persons in Godhead; the uni of God and man in Christ; and the unity of Chr and the church: the Holy Ghost being the work of both these latter unities; for by the Holy Gho was Christ incarnate and quickened in flesh, a by the Holy Ghost is man regenerate and quic ened in spirit.

That Jesus, the Lord, became in the flesh a sac ficer, and a sacrifice for sin; a satisfaction and price the justice of God; a meriter of glory and the kin dom; a pattern of all righteousness; a preacher the word which himself was; a finisher of the ce monies; a corner-stone to remove the separation b tween Jew and Gentile; an intercessor for t church, a Lord of nature in his miracles; a co queror of death and the power of darkness in h resurrection; and that he fulfilled the whole co sel of God, performing all his sacred offices a anointing on earth, accomplished the whole wo of the redemption and restitution of man to a sta superior to the angels, whereas the state of man creation was inferior, and reconciled and establish all things according to the eternal will of the Fath

That in time, Jesus the Lord was born in t days of Herod, and suffered under the governor of Pontius Pilate, being deputy of the Romans, a under the high priesthood of Caiaphas, and was b trayed by Judas, one of the twelve apostles, a was crucified at Hierusalem; and after a true a natural death, and his body laid in the sepulch the third day he raised himself from the bonds death, and arose and showed himself to many chos witnesses, by the space of divers days; and at t

rial of those days, in the sight of many, ascended into heaven; where he continueth his intercession; and shall from thence, at the day appointed, come in greatest glory to judge the world.

That the sufferings and merits of Christ, as they are sufficient to do away the sins of the whole world, so they are only effectual to those which are regenerate by the Holy Ghost; who breatheth where he will of free grace; which grace, as a seed incorruptible, quickeneth the spirit of man, and conceiveth him anew a son of God and member of Christ: so that Christ having man's flesh, and man having Christ's spirit, there is an open passage and mutual imputation; whereby sin and wrath was conveyed to Christ from man, and merit and life is conveyed to man from Christ: which seed of the Holy Ghost first figureth in us the image of Christ slain or crucified, through a lively faith; and then reneweth in us the image of God in holiness and charity; though both imperfectly, and in degrees far differing, even in God's elect, as well in regard of the fire of the Spirit, as of the illumination thereof; which is more or less in a large proportion: as namely, in the church before Christ; which yet nevertheless was partaker of one and the same salvation with us, and of one and the same means of salvation with us.

That the work of the Spirit, though it be not tied to any means in heaven or earth, yet it is ordinarily dispensed by the preaching of the word; the administration of the sacraments; the covenants of the fathers upon the children, prayer, reading; the censures of the church; the society of the godly; the cross and afflictions; God's benefits; his judgments upon others; miracles; the contemplation of his creatures: all which, though some be more principal, God useth as the means of vocation and conversion of his elect; not derogating from his power to call immediately by his grace, and at all hours and moments of the day, that is, of man's life, according to his good pleasure.

That the word of God, whereby his will is revealed, continued in revelation and tradition until Moses; and that the Scriptures were from Moses's time to the times of the apostles and evangelists; in whose age, after the coming of the Holy Ghost, the teacher of all truth, the book of the Scriptures was shut and closed, so as not to receive any new addition; and that the church hath no power over the Scriptures to teach or command any thing contrary to the written word, but is as the ark, wherein the tables of the first testament were kept and preserved: that is to say, the church hath only the custody and delivery over of the Scriptures committed unto the same; together with the interpretation of them, but such only as is conceived from themselves.

That there is a universal or catholic church of God, dispersed over the face of the earth, which is Christ's spouse, and Christ's body; being gathered of the fathers of the old world, of the church of the Jews, of the spirits of the faithful dissolved, and the spirits of the faithful militant, and of the names yet to be born, which are already written in the book of life. That there is also a visible church, distinguished by the outward works of God's covenant, and the receiving of the holy doctrine, with the use of the mysteries of God, and the invocation and sanctification of his holy name. That there is also a holy succession in the prophets of the New Testament and fathers of the church, from the time of the apostles and disciples which saw our Saviour in the flesh, unto the consummation of the work of the ministry; which persons are called from God by gift, or inward anointing; and the vocation of God followed by an outward calling and ordination of the church.

I believe, that the souls of such as die in the Lord are blessed, and rest from their labours, and enjoy the sight of God, yet so, as they are in expectation of a farther revelation of their glory in the last day. At which time all flesh of man shall arise and be changed, and shall appear and receive from Jesus Christ his eternal judgment; and the glory of the saints shall then be full: and the kingdom shall be given up to God the Father: from which time all things shall continue for ever in that being and state, which then they shall receive. So as there are three times, if times they may be called, or parts of eternity: The first, the time before beginnings, when the Godhead was only, without the being of any creature: the second, the time of the mystery, which continueth from the creation to the dissolution of the world: and the third, the time of the revelation of the sons of God; which time is the last, and is everlasting without change.

A PRAYER, OR PSALM,

MADE BY THE

LORD BACON, CHANCELLOR OF ENGLAND

Most gracious Lord God, my merciful Father, from my youth up, my Creator, my Redeemer, my Comforter. Thou, O Lord, soundest and searchest the depths and secrets of all hearts: thou acknowledgest the upright of heart: thou judgest the hypocrite: thou ponderest men's thoughts and doings as in a balance: thou measurest their intentions as with a line: vanity and crooked ways cannot be hid from thee.

Remember, O Lord, how thy servant hath walked before thee: remember what I have first sought, and what hath been principal in my intentions. I have loved thy assemblies: I have mourned for the divisions of thy church: I have delighted in the brightness of thy sanctuary. This vine which thy right hand hath planted in this nation, I have ever prayed unto thee, that it might have the first and the latter rain; and that it might stretch her branches to the seas and to the floods. The state and bread of the poor and oppressed have been precious in mine eyes: I have hated all cruelty and hardness of heart: I have, though in a despised weed, procured the good of all men. If any have been my enemies, I thought not of them; neither hath the

sun almost set upon my displeasure; but I have been as a dove, free from superfluity of maliciousness. Thy creatures have been my books, but thy Scriptures much more. I have sought thee in the courts, fields, and gardens, but I have found thee in thy temples.

Thousands have been my sins, and ten thousands my transgressions: but thy sanctifications have remained with me, and my heart, through thy grace, hath been an unquenched coal upon thine altar. O Lord, my strength, I have since my youth met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have increased upon me, so have thy corrections; so as thou hast been always near me, O Lord; and ever as my worldly blessings were exalted, so secret darts from thee have pierced me; and when I have ascended before men, I have descended in humiliation before thee. And now, when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me according to thy former loving-kindness, keeping me still in thy fatherly school, not as a bastard, but as a child. Just are thy judgments upon me for my sins, which are more in number than the sands of the sea, but have no proportion to thy mercies; for what are the sands of the sea, earth, heavens, and all these are nothing to thy mercies. Besides my innumerable sins, I confess before thee, that I am debtor to thee for the gracious talent of thy gifts and graces, which I have neither put into a napkin, nor put it, as I ought, to exchangers, where it might have made best profit, but misspent it in things for which I was least fit: so I may truly say, my soul hath been a stranger in the course of my pilgrimage. Be merciful unto me, O Lord, for my Saviour's sake, and receive me into thy bosom, or guide me in thy ways.

A PRAYER

MADE AND USED BY THE LORD CHANCELLOR BACON.

O ETERNAL God, and most merciful Father in Jesus Christ: Let the words of our mouths, and the meditations of our hearts, be now and ever gracious in thy sight, and acceptable unto thee, O Lord, our God, our strength, and our Redeemer.

O eternal God, and most merciful Father in Jesus Christ, in whom thou hast made a covenant of grace and mercy with all those that come unto thee in him; in his name and mediation we humbly prostrate ourselves before the throne of thy mercies' seat, acknowledging that by the breach of all thy holy laws and commandments, we are become wild olive-branches, strangers to thy covenant of grace; we have defaced in ourselves thy sacred image imprinted in us by creation; we have sinned against heaven and before thee, and are no more worthy to be called thy children. O admit us into the place even of hired servants. Lord, thou hast formed us in our mothers' wombs, thy providence hath hitherto watched over us, and preserved us unto this period of time: O stay not the course of thy mercies and loving-kindness towards us: have mercy upon us; O Lord, for thy dear Son Christ Jesus' sake, who is the way, the truth, and the life. In him, O Lord, we appeal from thy justice to thy mercy, beseeching thee in his name, and for his sake only, thou wilt be graciously pleased freely to pardon and forgive us all our sins and disobedience, whether in thought, word, or deed, committed against thy divine Majesty; and in his precious blood-shedding, death, and perfect obedience, free us from the guilt, the stain, the punishment, and dominion of all our sins, and clothe us with his perfect righteousness. There is mercy with thee, O Lord, that thou mayest be feared; yea, thy mercies swallow up the greatness of our sins: speak peace to our souls and consciences; make us happy in the free remission of all our sins, and be reconciled to thy poor servants in Jesus Christ, in whom thou art well pleased: suffer not the works of thine own hands to perish; thou art not delighted in the death of sinners, but in their conversion. Turn our hearts, and we shall be turned; convert us, and we shall be converted; illuminate the eyes of our minds and understanding with the bright beams of thy Holy Spirit, that we may daily grow in the saving knowledge of the heavenly mystery of our redemption, wrought by our dear Lord and Saviour Jesus Christ; sanctify our wills and affection by the same Spirit, the most sacred fountain of all grace and goodness; reduce them to the obedience of thy most holy will in the practice of all piety toward thee, and charity towards all men. Inflame our hearts with thy love, cast forth of them what displeaseth thee, all infidelity, hardness of heart, profaneness, hypocrisy, contempt of thy holy word and ordinances, all uncleanness, and whatsoever advanceth itself in opposition to thy holy will. And grant that henceforth, through thy grace, we may be enabled to lead a godly, holy, sober, and christian life, in true sincerity and uprightness of heart before thee. To this end, plant thy holy fear in our hearts, grant that it may never depart from before our eyes, but continually guide our feet in the paths of thy righteousness, and in the ways of thy commandments: increase our weak faith, grant it may daily bring forth the true fruits of unfeigned repentance, that by the power of the death of our Lord and Saviour Jesus Christ we may daily die unto sin, and by the power of his resurrection we may be quickened, and raised up to newness of life, may be truly born anew, and may be effectually made partakers of the first resurrection, that then the second death may never have dominion over us. Teach us, O Lord, so to number our days, that we may apply our hearts unto wisdom; make us ever mindful of our last end, and continually to exercise the knowledge of grace in our hearts, that in the said divorce of soul and body, we may be translated here to that kingdom of glory prepared for all those that love thee, and shall trust in thee; even then and ever, O Lord, let thy holy angels pitch their tents round about us, to guard and defend us from all the

malice of Satan, and from all perils both of soul and body. Pardon all our unthankfulness, make us daily more and more thankful for all thy mercies and benefits daily poured down upon us. Let these our humble prayers ascend to the throne of grace, and be granted not only for these mercies, but for whatsoever else thy wisdom knows needful for us; and for all those that are in need, misery, and distress, whom, Lord, thou hast afflicted either in soul or body; grant them patience and perseverance in the end, and to the end: And that, O Lord, not for any merits of ours, but only for the merits of thy Son, and our alone Saviour Christ Jesus; to whom with thee and the Holy Spirit be ascribed all glory, &c. Amen.

THE STUDENT'S PRAYER.

To God the Father, God the Word, God the Spirit, we pour forth most humble and hearty supplications; that he, remembering the calamities of mankind, and the pilgrimage of this our life, in which we wear out days few and evil, would please to open to us new refreshments out of the fountains of his goodness, for the alleviating of our miseries. This also we humbly and earnestly beg, that human things may not prejudice such as are divine; neither that from the unlocking of the gates of sense, and the kindling of a greater natural light, any thing of incredulity, or intellectual night, may arise in our minds towards divine mysteries. But rather, that by our mind thoroughly cleansed and purged from fancy and vanities, and yet subject and perfectly given up to the divine oracles, there may be given unto faith the things that are faith's. Amen.

THE WRITER'S PRAYER.

Thou, O Father, who gavest the visible light as the first-born of thy creatures, and didst pour into man the intellectual light as the top and consummation of thy workmanship, be pleased to protect and govern this work, which, coming from thy goodness, returneth to thy glory. Thou, after thou hadst reviewed the works which thy hands had made, beheldest that every thing was very good, and thou didst rest with complacency in them. But man, reflecting on the works which he had made, saw that all was vanity and vexation of spirit, and could by no means acquiesce in them. Wherefore, if we labour in thy works with the sweat of our brows, thou wilt make us partakers of thy vision and thy sabbath. We humbly beg that this mind may be stedfastly in us; and that thou, by our hands, and also by the hands of others, on whom thou shalt bestow the same spirit, wilt please to convey a largess of new alms to thy family of mankind. These things we commend to thy everlasting love, by our Jesus, thy Christ, God with us. Amen.

THE CHARACTERS OF A BELIEVING CHRISTIAN,

In paradoxes and seeming contradictions.

1. A christian is one that believes things his reason cannot comprehend; he hopes for things which neither he nor any man alive ever saw: he labours for that which he knoweth he shall never obtain; yet in the issue, his belief appears not to be false; his hope makes him not ashamed; his labour is not in vain.

2. He believes three to be one, and one to be three; a father not to be elder than his son; a son to be equal with his father; and one proceeding from both to be equal with both; he believing three persons in one nature, and two natures in one person.

3. He believes a virgin to be a mother of a son; and that very son of hers to be her maker. He believes him to have been shut up in a narrow room, whom heaven and earth could not contain. He believes him to have been born in time, who was and is from everlasting. He believes him to have been a weak child, carried in arms, who is the Almighty; and him once to have died, who only hath life and immortality in himself.

4. He believes the God of all grace to have been angry with one that hath never offended him; and that God, that hates sin, to be reconciled to himself, though sinning continually, and never making, or being able to make him satisfaction. He believes a most just God to have punished a most just person, and to have justified himself though a most ungodly sinner. He believes himself freely pardoned, and yet a sufficient satisfaction was made for him.

5. He believes himself to be precious in God's sight, and yet loathes himself in his own. He dares not justify himself even in those things wherein he can find no fault with himself, and yet believes God accepts him in those services wherein he is able to find many faults.

6. He praises God for his justice, and yet fears him for his mercy. He is so ashamed as that he dares not open his mouth before God; and yet he comes with boldness to God, and asks him any thing he needs. He is so humble as to acknowledge himself to deserve nothing but evil; and yet believes that God means him all good. He is one that fears always, yet is as bold as a lion. He is often sorrowful, yet always rejoicing; many times complaining, yet always giving of thanks. He is the most lowly-minded, yet the greatest aspirer; most contented, yet ever craving.

7. He bears a lofty spirit in a mean condition; when he is ablest, he thinks meanest of himself. He is rich in poverty, and poor in the midst of riches. He believes all the world to be his, yet he dares take nothing without special leave from God. He covenants with God for nothing, yet looks for a great reward. He loseth his life, and gains by it; and whilst he loseth it, he saveth it.

8. He lives not to himself, yet of all others he is most wise for himself. He denieth himself often, yet no man loveth himself so well as he. He is most reproached, yet most honoured. He hath most afflictions, and most comforts.

9. The more injury his enemies do him, the more advantages he gains by them. The more he forsakes worldly things, the more he enjoys them.

10. He is the most temperate of all men, yet fares most deliciously; he lends and gives most freely, yet he is the greatest usurer; he is meek towards all men, yet inexorable by men. He is the best child, husband, brother, friend; yet hates father and mother, brother and sister. He loves all men as himself, yet hates some men with a perfect hatred.

11. He desires to have more grace than any man hath in the world, yet is truly sorrowful when he seeth any man have less than himself; he knoweth no man after the flesh, yet gives all men their due respects; he knoweth if he please man he cannot be the servant of Christ; yet for Christ's sake he pleaseth all men in all things. He is a peacemaker, yet is a continual fighter, and is an irreconcilable enemy.

12. He believes him to be worse than an infidel that provides not for his family, yet himself lives and dies without care. He accounts all his superiors, yet stands stiffly upon authority. He is severe to his children, because he loveth them; and by being favourable unto his enemy, he revengeth himself upon him.

13. He believes the angels to be more excellent creatures than himself, and yet accounts them his servants. He believes that he receives many good things by their means, and yet he neither prays for their assistance, nor offers them thanks, which he doth not disdain to do to the meanest christian.

14. He believes himself to be a king, how mean soever he be: and how great soever he be, yet he thinks himself not too good to be a servant to the poorest saint.

15. He is often in prison, yet always at liberty; a freeman, though a servant. He loves not honour amongst men, yet highly prizeth a good name.

16. He believes that God hath bidden every man that doth him good to do so; he yet of any man is the most thankful to them that do aught for him. He would lay down his life to save the soul of his enemy, yet will not adventure upon one sin to save the life of him who saved his.

17. He swears to his own hinderance, and changeth not; yet knoweth that his oath cannot tie him to sin.

18. He believes Christ to have no need of any thing he doth, yet maketh account that he doth relieve Christ in all his acts of charity. He knoweth he can do nothing of himself, yet labours to work out his own salvation. He professeth he can do nothing, yet as truly professeth he can do all things: he knoweth that flesh and blood cannot inherit the kingdom of God, yet believeth he shall go to heaven both body and soul.

19. He trembles at God's word, yet counts i sweeter to him than honey and the honey-comb, an dearer than thousands of gold and silver.

20. He believes that God will never damn him and yet fears God for being able to cast him int hell. He knoweth he shall not be saved by, no for, his good works, yet he doth all the good work he can.

21. He knoweth God's providence is in all things yet is so diligent in his calling and business, as i he were to cut out the thread of his happiness. H believes before-hand that God hath purposed wha he shall be, and that nothing can make him to alte his purpose; yet prays and endeavours, as if h would force God to save him for ever.

22. He prays and labours for that which he i confident God means to give; and the more assure he is, the more earnest he prays, for that he know he shall never obtain, and yet gives not over. H prays and labours for that which he knows he shal be no less happy without; he prays with all hi heart not to be led into temptation, yet rejoices when he is fallen into it; he believes his prayer are heard, even when they are denied, and give thanks for that which he prays against.

23. He hath within him both flesh and spirit yet he is not a double-minded man; he is often le captive by the law of sin, yet it never gets dominio over him; he cannot sin, yet he can do nothin without sin. He doth nothing against his will, ye maintains he doth what he would not. He waver and doubteth, yet obtains.

24. He is often tossed and shaken, yet is a mount Sion; he is a serpent and a dove; a lam and a lion; a reed and a cedar. He is sometime so troubled, that he thinks nothing to be true i religion; yet if he did think so, he could not at al be troubled. He thinks sometimes that God hat no mercy for him, yet resolves to die in the pursui of it. He believes, like Abraham, against hope and though he cannot answer God's logic, yet, wit the woman of Canaan, he hopes to prevail with th rhetoric of importunity.

25. He wrestles, and yet prevails; and though yielding himself unworthy of the least blessing h enjoys, yet, Jacob-like, he will not let him go with out a new blessing. He sometimes thinks himsel to have no grace at all, and yet how poor an afflicted soever he be besides, he would not change conditions with the most prosperous man unde heaven, that is a manifest worldling.

26. He thinks sometimes that the ordinances o God do him no good, yet he would rather part wit his life than be deprived of them.

27. He was born dead; yet so that it had bee murder for any to have taken his life away. Afte he began to live, he was ever dying.

28. And though he hath an eternal life begun i him, yet he makes account he hath a death to pas through.

29. He counts self-murder a heinous sin, yet i ever busied in crucifying the flesh, and in putting t death his earthly members: not doubting but there will come a time of glory, when he shall be extreme

precious in the sight of the great God of heaven and earth, appearing with boldness at his throne, and asking any thing he needs; being endued with humility, by acknowledging his great crimes and offences, and that he deserveth nothing but severe punishment.

30. He believes his soul and body shall be as full of glory as them that have more; and no more full than theirs that have less.

31. He lives invisible to those that see him, and those that know him best do but guess at him; yet those many times judge more truly of him than he doth of himself.

32. The world will sometimes account him a saint, when God accounteth him a hypocrite; and afterwards, when the world branded him for a hypocrite, then God owned him for a saint.

33. His death makes not an end of him. His soul which was put into his body, is not to be perfected without his body; yet his soul is more happy when it is separated from his body, than when it was joined unto it: and his body, though torn in pieces, burnt to ashes, ground to powder, turned to rottenness, shall be no loser.

34. His Advocate, his Surety shall be his Judge; his mortal part shall become immortal; and what was sown in corruption and defilement shall be raised in incorruption and glory; and a finite creature shall possess an infinite happiness. Glory be to God.

AN ADVERTISEMENT

TOUCHING THE

CONTROVERSIES OF THE CHURCH OF ENGLAND.

It is but ignorance, if any man find it strange, that the state of religion, especially in the days of peace, should be exercised and troubled with controversies: for as it is the condition of the church militant to be ever under trials, so it cometh to pass, that when the fiery trial of persecution ceaseth, there succeedeth another trial, which, as it were by contrary blasts of doctrine, doth sift and winnow men's faith, and proveth whether they know God aright; even as that other of afflictions discovereth whether they love him better than the world. Accordingly was it foretold by Christ, saying, "that in the latter times it should be said, Lo here, lo there is Christ:" which is to be understood, not as if the very person of Christ should be assumed and counterfeited, but his authority and pre-eminence, which is to be the truth itself, should be challenged and pretended. Thus have we read and seen to be fulfilled that, which followeth, "Ecce in deserto, ecce in penetralibus:" while some have sought the truth in the conventicles and conciliables of heretics and sectaries; others in the external face and representation of the church; and both sorts have been seduced. Were it then that the controversies of the church of England were such, as they did divide the unity of the spirit, and not only such as do unswathe her of her bands, the bands of peace, yet could it be no occasion for any pretended catholic to judge us, or for any irreligious person to despise us; or if it be, it shall but happen to us all as it hath used to do; to them to be hardened, and to us to endure the good pleasure of God. But now that our contentions are such as we need not so much that general canon and sentence of Christ pronounced against heretics; "Erratis, nescientes Scripturas, et potestatem Dei;" "you do err, not knowing the Scripture, and the power of God:" as we need the admonition of St. James, "Let every man be swift to hear, slow to speak, slow to wrath;" and that the wound is no way dangerous, except we poison it with our remedies: as the former sort of men have less reason to make themselves music in our discord, so I have good hope that nothing shall displease ourselves, which shall be sincerely and modestly propounded for the appeasing of these dissensions. For if any shall be offended at this voice, "Vos estis fratres;" "Ye are brethren, why strive ye?" he shall give a great presumption against himself, that he is the party that doth his brethren wrong.

The controversies themselves I will not enter into, as judging that the disease requireth rather rest than any other cure. Thus much we all know and confess, that they be not of the highest nature, for they are not touching the high mysteries of faith, such as detained the churches for many years after their first peace, what time the heretics moved curious questions, and made strange anatomies of the natures and person of Christ; and the catholic fathers were compelled to follow them with all subtlety of decisions and determinations to exclude them from their evasions, and to take them in their labyrinths; so as it is rightly said, "illis temporibus, ingeniosa res fuit, esse christianum;" "in those days it was an ingenious and subtle thing to be a christian."

Neither are they concerning the great parts of the worship of God, of which it is true, that "non servatur unitas in credendo, nisi eadem adsit in colendo;" there will be kept no unity in believing, except it be entertained in worshipping; such as were the controversies of the east and west churches touching images, and such as are many of those between the church of Rome and us: as about the adoration of the sacrament, and the like; but we contend about ceremonies and things indifferent, about the external policy and government of the church; in which kind, if we would but remember that the ancient and true bonds of unity are "one faith, one baptism," and not one ceremony, one policy; if we would observe the league amongst christians that is penned by our Saviour, "he that is not against us is with us;" if we could but comprehend that saying, "differentiæ rituum commendant unitatem doctrinæ;" "the diversities of ceremonies do set forth the unity of doctrine;" and that, "habet religio quæ sunt æternitatis, habet quæ sunt temporis;" "religion hath parts which belong to eternity, and parts which per-

tain to time:" and if we did but know the virtue of silence and slowness to speak, commended by St. James, our controversies of themselves would close up and grow together: but most especially, if we would leave the overweening and turbulent humours of these times, and revive the blessed proceeding of the apostles and fathers of the primitive church, which was, in the like and greater cases, not to enter into assertions and positions, but to deliver counsels and advices, we should need no other remedy at all: "si eadem consulis, frater, quæ affirmas, consulenti debetur reverentia, cum non debeatur fides affirmanti;" brother, if that which you set down as an assertion, you would deliver by way of advice, there were reverence due to your counsel, whereas faith is not due to your affirmation. St. Paul was content to speak thus, "Ego, non Dominus," "I, and not the Lord:" "Et, secundum consilium meum;" "according to my counsel." But now men do too lightly say, "Non ego, sed Dominus;" "not I, but the Lord:" yea, and bind it with a heavy denunciation of his judgments, to terrify the simple, which have not sufficiently understood out of Solomon, that "the causeless curse shall not come."

Therefore seeing the accidents are they which breed the peril, and not the things themselves in their own nature, it is meet the remedies be applied unto them, by opening what it is on either part, that keepeth the wound green, and formalizeth both sides to a farther opposition, and worketh an indisposition in men's minds to be reunited: wherein no accusation is pretended; but I find in reason, that peace is best built upon a repetition of wrongs; and in example, that the speeches which have been made by the wisest men, "de concordia ordinum," have not abstained from reducing to memory the extremities used on both parts; so as it is true which is said, "Qui pacem tractat non repetitis conditionibus dissidii, is magis animos hominum dulcedine pacis fallit, quam æquitate componit."

And first of all, it is more than time that there were an end and surcease made of this immodest and deformed manner of writing lately entertained, whereby matter of religion is handled in the style of the stage. Indeed, bitter and earnest writing must not hastily be condemned; for men cannot contend coldly, and without affection, about things which they hold dear and precious. A politic man may write from his brain without touch and sense of his heart; as in a speculation that appertaineth not unto him; but a feeling christian will express in his words a character of zeal or love. The latter of which, as I could wish rather embraced, being more proper for these times, yet is the former warranted also by great examples.

But to leave all reverent and religious compassion towards evils, or indignation towards faults, and to turn religion into a comedy or satire; to search and rip up wounds with a laughing countenance, to intermix scripture and scurrility sometimes in one sentence, is a thing far from the devout reverence of a christian, and scant beseeming the honest regard of a sober man. "Non est major confusio, quam serii et joci." "There is no greater confusion than the confounding of jest and earnest." The majesty of religion, and the contempt and deformity of things ridiculous, are things as distant as things may be. Two principal causes have I ever known of atheism; curious controversies, and profane scoffing: now that these two are joined in one, no doubt that sect will make no small progression.

And here I do much esteem the wisdom and religion of that bishop which replied to the first pamphlet of this kind, who remembered that a fool was to be answered, but not by becoming like unto him; and considered the matter which he handled, and not the person with whom he dealt.

Job, speaking of the majesty and gravity of a judge in himself, saith, "If I did smile, they believed it not:" as if he should have said, If I diverted, or glanced upon conceit of mirth, yet men's minds were so possessed with a reverence of the action in hand, as they could not receive it. Much more ought not this to be amongst bishops and divines disputing about holy things. And therefore as much do I mislike the invention of him who, as it seemeth, pleased himself in it as in no mean policy, that these men are to be dealt withal at their own weapons, and pledged in their own cup. This seemed to him as profound a device, as when the cardinal Sansovino counselled Julius the second to encounter the council of Pisa with the council of Lateran; or as lawful a challenge as Mr. Jewel made to confute the pretended catholics by the fathers: but those things will not excuse the imitation of evil in another. It should be contrariwise with us, as Cæsar said, "Nil malo, quam eos similes esse sui, et me mei." But now, "Dum de bonis contendimus, de malis consentimus;" "while we differ about good things, we resemble in evil."

Surely, if I were asked of these men, who were the more to be blamed, I should percase remember the proverb, that the second blow maketh the fray, and the saying of an obscure fellow; "Qui replicat, multiplicat:" he that replieth, multiplieth. But I would determine the question with this sentence; "Alter principium malo dedit, alter modum abstulit;" "By the one means we have a beginning, and by the other we shall have none end."

And truly, as I do marvel that some of those preachers which call for reformation, whom I am far from wronging so far as to join them with these scoffers, do not publish some declaration, whereby they may satisfy the world, that they dislike their cause should be thus solicited; so I hope assuredly, that my lords of the clergy have none intelligence with this interlibelling, but do altogether disallow that their credit should be thus defended. For though I observe in one of them many glosses, whereby the man would insinuate himself into their favours, yet I find it to be ordinary, that many pressing and fawning persons do misconjecture of the humours of men in authority, and many times, "Veneri immolant suem," "they seek to gratify them with that which they most dislike:" for I have great reason to satisfy myself touching the judgment of my lords the bishops in this matter, by that which was written by one of them, which I

mentioned before with honour. Nevertheless I note, there is not an indifferent hand carried towards these pamphlets as they deserve; for the one sort flieth in the dark, and the other is uttered openly; wherein I might advise that side out of a wise writer, who hath set it down, that "punitis ingeniis gliscit auctoritas."

And indeed we see it ever falleth out, that the forbidden writing is always thought to be certain sparks of a truth that fly up into the faces of those that seek to choke it, and tread it out; whereas a book authorized is thought to be but temporis voces, the language of the time. But in plain truth I do find, to mine understanding, these pamphlets as meet to be suppressed as the other. First, because as the former sort doth deface the government of the church in the persons of the bishops and prelates, so the other doth lead into contempt the exercises of religion in the persons of sundry preachers; so as it disgraceth a higher matter, though in the meaner person.

Next, I find certain indiscreet and dangerous amplifications, as if the civil government itself of this state had near lost the force of her sinews, and were ready to enter into some convulsion, all things being full of faction and disorder; which is as unjustly acknowledged, as untruly affirmed. I know his meaning is to enforce this irreverent and violent impugning of the government of bishops to be a suspected forerunner of a more general contempt. And I grant there is a sympathy between the estates; but no such matter in the civil policy, as deserveth so dishonourable a taxation.

To conclude this point: As it were to be wished that these writings had been abortive, and never seen the sun; so the next is, since they be come abroad, that they be censured, by all that have understanding and conscience, as the intemperate extravagances of some light persons. Yea farther, that men beware, except they mean to adventure to deprive themselves of all sense of religion, and to pave their own hearts, and make them as the high way, how they may be conversant in them, and much more how they delight in that vein; but rather to turn their laughing into blushing, and to be ashamed, as of a short madness, that they have in matters of religion taken their disport and solace. But this, perchance, is of these faults which will be soonest acknowledged; though I perceive, nevertheless, that there want not some who seek to blanch and excuse it.

But to descend to a sincere view and consideration of the accidents and circumstances of these controversies, wherein either part deserveth blame or imputation, I find generally, in causes of church matters, that men do offend in some or all of these five points.

The first is, the giving occasion unto the controversies; and also the inconsiderate and ungrounded taking of occasion.

The next is, the extending and multiplying the controversies to a more general opposition or contradiction than appeareth at the first propounding of them, when men's judgments are least partial.

The third is, the passionate and unbrotherly practices and proceedings of both parts towards the persons each of others, for their discredit and suppression.

The fourth is, the courses holden and entertained on either side, for the drawing of their partisans to a more strait union within themselves, which ever importeth a farther distraction of the entire body.

The last is, the undue and inconvenient propounding, publishing, and debating of the controversies. In which point the most palpable error hath been already spoken of, as that, which through the strangeness and freshness of the abuse first offereth itself to the conceits of all men.

Now concerning the occasion of the controversies, it cannot be denied, but that the imperfections in the conversation and government of those which have chief place in the church, have ever been principal causes and motives of schisms and divisions. For whilst the bishops and governors of the church continue full of knowledge and good works; whilst they feed the flock indeed; whilst they deal with the secular states in all liberty and resolution, according to the majesty of their calling, and the precious care of souls imposed upon them, so long the church is situated as it were upon a hill; no man maketh question of it, or seeketh to depart from it: but when these virtues in the fathers and leaders of the church have lost their light, and that they wax worldly, lovers of themselves, and pleasers of men, then men begin to grope for the church as in the dark; they are in doubt whether they be the successors of the apostles, or of the Pharisees; yea, howsoever they sit in Moses's chair, yet they can never speak, tanquam auctoritatem habentes, as having authority, because they have lost their reputation in the consciences of men, by declining their steps from the way which they trace out to others; so as men had need continually have sounding in their ears this same "Nolite exire," "Go not out;" so ready are they to depart from the church upon every voice. And therefore it is truly noted by one that writeth as a natural man, that the humility of the friars did, for a great time, maintain and bear out the irreligion of bishops and prelates.

For this is the double policy of the spiritual enemy, either by counterfeit holiness of life to establish and authorize errors; or by corruption of manners to discredit and draw in question truth and things lawful. This concerneth my lords the bishops, unto whom I am witness to myself, that I stand affected as I ought. No contradiction hath supplanted in me the reverence that I owe to their calling; neither hath any detraction or calumny imbased mine opinion of their persons. I know some of them, whose names are most pierced with these accusations, to be men of great virtues; although the indisposition of the times, and the want of correspondence many ways, is enough to frustrate the best endeavours in the edifying of the church. And for the rest, generally, I can condemn none. I am no judge of them that belong to so high a Master; neither have I two witnesses. And I know it is truly said of fame, that

"————Pariter facta atque infecta canebat."

Their taxations arise not all from one coast; they have many and different enemies ready to invent slander, more ready to amplify it, and most ready to believe it. And "Magnes mendacii credulitas;" "Credulity is the adamant of lies." But if any be, against whom the supreme Bishop hath not a few things, but many things; if any have lost his first love; if any be neither hot nor cold; if any have stumbled too fondly at the threshold, in such sort that he cannot sit well, that entered ill; it is time they return whence they are fallen, and confirm the things that remain.

Great is the weight of this fault; "et eorum causa abhorrebant homines a sacrificio Domini:" "and for their cause did men abhor the adoration of God." But howsoever it be, those which have sought to deface them, and cast contempt upon them, are not to be excused.

It is the precept of Solomon, that the rulers be not reproached; no, not in our thought: but that we draw our very conceit into a modest interpretation of their doings. The holy angel would give no sentence of blasphemy against the common slanderer, but said, "Increpet te Dominus," "The Lord rebuke thee." The apostle St. Paul, though against him that did pollute sacred justice with tyrannous violence, did justly denounce the judgment of God, saying, "Percutiet te Dominus," "The Lord will strike thee;" yet in saying "paries dealbate," he thought he had gone too far, and retracted it: whereupon a learned father said, "ipsum quamvis inane nomen, et umbram sacerdotis expavit."

The ancient councils and synods, as is noted by the ecclesiastical story, when they deprived any bishop, never recorded the offence; but buried it in perpetual silence: only Cham purchased his curse by revealing his father's disgrace; and yet a much greater fault is it to ascend from their person to their calling, and draw that in question. Many good fathers spake rigorously and severely of the unworthiness of bishops; as if presently it did forfeit, and cease their office. One saith, "Sacerdotes nominamur, et non sumus," "We are called priests, but priests we are not." Another saith, "Nisi bonum opus amplectaris, episcopus esse non potes;" "Except thou undertake the good work, thou canst not be a bishop;" yet they meant nothing less than to move doubt of their calling or ordination.

The second occasion of controversies, is the nature and humour of some men. The church never wanteth a kind of persons, which love the salutation of Rabbi, master; not in ceremony or compliment, but in an inward authority which they seek over men's minds, in drawing them to depend upon their opinions, and to seek knowledge at their lips. These men are the true successors of Diotrephes, the lover of pre-eminence, and not lord bishops. Such spirits do light upon another sort of natures, which do adhere to these men; "quorum gloria in obsequio;" stiff followers, and such as zeal marvellously for those whom they have chosen for their masters. This latter sort, for the most part, are men of young years, and superficial understanding, carried away with partial respects of persons, or with the enticing appearance of godly names and pretences; "Pauci res ipsas sequuntur, plures nomina rerum, plurimi nomina magistrorum:" "Few follow the things themselves, more the names of the things, and most the names of their masters."

About these general affections are wreathed and interlaced accidental and private emulations and discontentments, all which together break forth into contentions; such as either violate truth, sobriety, or peace. These generalities apply themselves. The universities are the seat or the continent of this disease, whence it hath been and is derived into the rest of the realm. There men will no longer be e numero, of the number. There do others side themselves before they know their right hand from their left: so it is true which is said, "transeunt ab ignorantia ad præjudicium," "they skip from ignorance to a prejudicate opinion," and never take a sound judgment in their way. But as it is well noted, "inter juvenile judicium et senile præjudicium, omnis veritas corrumpitur:" through want of years, when men are not indifferent, but partial, then their judgment is weak and unripe; and when it groweth to strength and ripeness, by that time it is forestalled with such a number of prejudicate opinions, as it is made unprofitable: so as between these two all truth is corrupted. In the mean while, the honourable names of sincerity, reformation, and discipline are put in the fore-ward: so as contentions and evil zeals cannot be touched, except these holy things be thought first to be violated. But howsoever they shall infer the solicitation for the peace of the church to proceed from carnal sense, yet I will conclude ever with the apostle Paul, "Cum sit inter vos zelus et contentio, nonne carnales estis?" "While there is amongst you zeal and contention, are ye not carnal?" And howsoever they esteem the compounding of controversies to savour of man's wisdom and human policy, and think themselves led by the wisdom which is from above, yet I say, with St. James, "Non est ista sapientia de sursum descendens, sed terrena, animalis, diabolica: ubi enim zelus et contentio, ibi inconstantia et omne opus pravum." Of this inconstancy it is said by a learned father, "Procedere volunt non ad perfectionem, sed ad permutationem;" "They seek to go forward still, not to perfection, but to change."

The third occasion of controversies I observe to be, an extreme and unlimited detestation of some former heresy or corruption of the church already acknowledged and convicted. This was the cause that produced the heresy of Arius, grounded especially upon detestation of Gentilism, lest the christian should seem, by the assertion of the equal divinity of our Saviour Christ, to approach unto the acknowledgment of more gods than one. The detestation of the heresy of Arius produced that of Sabellius; who, holding for execrable the dissimilitude which Arius pretended in the Trinity, fled so far from him, as he fell upon that other extremity, to deny the distinction of persons: and to say, they were but only names of several offices and dispensations. Yea, most of the heresies and schisms of the church have

sprung up of this root; while men have made it as it were their scale, by which to measure the bounds of the most perfect religion; taking it by the farthest distance from the error last condemned. These be "posthumi hæresium filii;" heresies that arise out of the ashes of other heresies that are extinct and amortised.

This manner of apprehension doth in some degree possess many in our times. They think it the true touchstone to try what is good and evil, by measuring what is more or less opposite to the institutions of the church of Rome, be it ceremony, be it policy, or government; yea, be it other institutions of greater weight, that is ever most perfect which is removed most degrees from that church; and that is ever polluted and blemished, which participateth in any appearance with it. This is a subtile and dangerous conceit for men to entertain; apt to delude themselves, more apt to delude the people, and most apt of all to calumniate their adversaries. This surely, but that a notorious condemnation of that position was before our eyes, had long since brought us to the rebaptization of children baptized according to the pretended catholic religion: for I see that which is a matter of much like reason, which is the re-ordaining of priests, is a matter already resolutely maintained. It is very meet that men beware how they be abused by this opinion; and that they know, that it is a consideration of much greater wisdom and sobriety to be well advised, whether in general abolition of the institutions of the church of Rome, there were not, as men's actions are imperfect, some good purged with the bad, rather than to purge the church, as they pretend, every day anew; which is the way to make a wound in the bowels, as is already begun.

The fourth and last occasion of these controversies, a matter which did also trouble the church in former times, is the partial affectation and imitation of foreign churches. For many of our men, during the time of persecution, and since, having been conversant in churches abroad, and received a great impression of the form of government there ordained, have violently sought to intrude the same upon our church. But I answer, "Consentiamus in eo quod convenit, non in eo quod receptum est:" Let us agree in this, that every church do that which is convenient for the state of itself, and not in particular customs. Although their churches had received the better form, yet many times it is to be sought, "non quod optimum, sed e bonis quid proximum;" "not that which is best, but of good things which is the best and readiest to be had." Our church is but now to plant; it is settled and established. It may be, in civil states, a republic is a better policy than a kingdom: yet, God forbid that lawful kingdoms should be tied to innovate and make alterations. "Qui mala introducit, voluntatem Dei oppugnat revelatam in verbo; qui nova introducit, voluntatem Dei oppugnat revelatam in rebus;" "He that bringeth in evil customs, resisteth the will of God revealed in his word; he that bringeth in new things, resisteth the will of God revealed in the things themselves." "Consule providentiam Dei, cum verbo Dei;" "Take counsel of the providence of God, as well as of his word." Neither yet do I admit that their form, although it were possible and convenient, is better than ours, if some abuses were taken away. The parity and equality of ministers is a thing of wonderful great confusion, and so in an ordinary government by synods, which doth necessarily ensue upon the other.

It is hard in all causes, but especially in religion, when voices shall be numbered and not weighed: "Equidem," saith a wise father, "ut vere quod res est scribam, prorsus decrevi fugere omnem conventum episcoporum; nullius enim concilii bonum exitum unquam vidi; concilia enim non minuunt mala, sed augent potius:" "To say the truth, I am utterly determined never to come to any council of bishops: for I never yet saw good end of any council; for councils abate not ill things, but rather increase them." Which is to be understood not so much of general councils as of synods, gathered for the ordinary government of the church. As for the deprivation of bishops, and such like causes, this mischief hath taught the use of archbishops, patriarchs, and primates; as the abuses of them since hath taught men to mislike them.

But it will be said, Look to the fruits of the churches abroad and ours. To which I say, that I beseech the Lord to multiply his blessings and graces upon those churches a hundred-fold. But yet it is not good, that we fall on the numbering of them; it may be our peace hath made us more wanton: it may be also, though I would be loth to derogate from the honour of those churches, were it not to remove scandals, that their fruits are as torches in the dark, which appear greatest afar off. I know they may have some strict orders for the repressing of sundry excesses: but when I consider of the censures of some persons, as well upon particular men as upon churches, I think on the saying of a Platonist, who saith, "Certe vitia irascibilis partis animæ sunt gradu praviora, quam concupiscibilis, tametsi occultiora;" a matter that appeared much by the ancient contentions of bishops. God grant that we may contend with other churches, as the vine with the olive, which of us shall bear the best fruit; and not as the brier with the thistle, which of us is most unprofitable. And thus much touching the occasions of these controversies.

Now, briefly to set down the growth and progression of the controversies; whereby will be verified the saying of Solomon, that "the course of contention is to be stopped at the first; being else as the waters, which if they gain a breach, it will hardly ever be recovered."

It may be remembered, that on that part, which calls for reformation, was first propounded some dislike of certain ceremonies supposed to be superstitious; some complaint of dumb ministers who possess rich benefices; and some invectives against the idle and monastical continuance within the universities, by those who had livings to be resident upon; and such like abuses. Thence they went on to condemn the government of bishops as an hierarchy remaining to us of the corruptions of the Roman church,

and to except to sundry institutions in the church, as not sufficiently delivered from the pollutions of former times. And lastly, they are advanced to define of an only and perpetual form of policy in the church; which, without consideration of possibility, and foresight of peril, and perturbation of the church and state, must be erected and planted by the magistrate. Here they stay. Others, not able to keep footing in so steep ground, descend farther; That the same must be entered into and accepted of the people, at their peril, without the attending of the establishment of authority. And so in the mean time they refuse to communicate with us, reputing us to have no church. This has been the progression of that side: I mean of the generality. For, I know, some persons, being of the nature, not only to love extremities, but also to fall to them without degrees, were at the highest strain at the first.

The other part, which maintaineth the present government of the church, hath not kept one tenor neither. First, those ceremonies which were pretended to be corrupt, they maintained to be things indifferent, and opposed the examples of the good times of the church to that challenge which was made unto them, because they were used in the later superstitious times. Then were they also content mildly to acknowledge many imperfections in the church: as tares come up amongst the corn; which yet, according to the wisdom taught by our Saviour, were not with strife to be pulled up, lest it might spoil and supplant the good corn, but to grow on together till the harvest. After, they grew to a more absolute defence and maintenance of all the orders of the church, and stiffly to hold, that nothing was to be innovated; partly because it needed not, partly because it would make a breach upon the rest. Hence, exasperated through contentions, they are fallen to a direct condemnation of the contrary part, as of a sect. Yea, and some indiscreet persons have been bold in open preaching to use dishonourable and derogatory speech and censure of the churches abroad; and that so far, as some of our men, as I have heard, ordained in foreign parts, have been pronounced to be no lawful ministers. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from itself, as was at the first of one from the other. And surely, though my meaning and scope be not, as I said before, to enter into the controversies themselves, yet I do admonish the maintainers of the above-named discipline, to weigh and consider seriously and attentively, how near they are unto them, with whom, I know, they will not join. It is very hard to affirm, that the discipline, which they say we want, is one of the essential parts of the worship of God; and not to affirm withal, that the people themselves, upon peril of salvation, without staying for the magistrate, are to gather themselves into it. I demand, if a civil state should receive the preaching of the word and baptism, and interdict and exclude the sacrament of the Lord's supper, were not men bound upon danger of their souls to draw themselves to congregations, wherein they might celebrate this mystery, and not to content themselves with that part of God's worship which the magistrate had authorized? This I speak, not to draw them into the mislike of others, but into a more deep consideration of themselves; "Fortasse non redeunt, quia suum progressum non intelligunt."

Again, to my lords the bishops I say, that it is hard for them to avoid blame, in the opinion of an indifferent person, in standing so precisely upon altering nothing: "leges, novis legibus non recreatæ, acescunt;" "laws, not refreshed with new laws, wax sour." "Qui mala non permutat, in bona non perseverat:" without change of ill, a man cannot continue the good." To take away many abuses, supplanteth not good orders, but establisheth them. "Morosa moris retentio, res turbulenta est, æque ac novitas;" "A contentious retaining of custom is a turbulent thing, as well as innovation." A good husband is ever pruning in his vineyard or his field; not unseasonably, indeed, not unskilfully, but lightly; he findeth ever somewhat to do. We have heard of no offers of the bishops of bills in parliament: which, no doubt, proceeding from them to whom it properly belongeth, would have every where received acceptation. Their own constitutions and orders have reformed them little. Is nothing amiss? Can any man defend the use of excommunication as a base process to lackey up and down for duties and fees; it being a precursory judgment of the latter day?

Is there no mean to train and nurse up ministers? for the yield of the universities will not serve, though they were never so well governed; to train them, I say, not to preach, for that every man confidently adventureth to do, but to preach soundly, and to handle the Scriptures with wisdom and judgment? I know prophesying was subject to great abuse, and would be more abused now; because heat of contentions is increased: but I say the only reason of the abuse was, because there was admitted to it a popular auditory; and it was not contained within a private conference of ministers. Other things might be spoken of. I pray God to inspire the bishops with a fervent love and care of the people: and that they may not so much urge things in controversy, as things out of controversy, which all men confess to be gracious and good. And thus much for the second point.

Now, as to the third point, of unbrotherly proceeding on either part, it is directly contrary to my purpose to amplify wrongs: it is enough to note and number them; which I do also, to move compassion and remorse on the offending side, and not to animate challengers and complaints on the other. And this point, as reason is, doth chiefly touch that side which can do most: "Injuriæ potentiorum sunt:" "Injuries come from them that have the upper hand."

The wrongs of them which are possessed of the government of the church towards the other, may hardly be dissembled or excused: they have charged them as though they denied tribute to Cæsar, and withdrew from the civil magistrate the obedience which they have ever performed and taught. They have sorted and coupled them with the "Family of

love," whose heresies they have laboured to destroy and confute. They have been swift of credit to receive accusations against them, from those that have quarrelled with them, but for speaking against sin and vice. Their accusations and inquisitions have been strict, swearing men to blanks and generalities, not included within compass of matter certain, which the party which is to take the oath may comprehend, which is a thing captious and strainable. Their urging of subscription to their own articles, is but "lacessere, et irritare morbos ecclesiæ," which otherwise would spend and exercise themselves. "Non consensum quærit sed dissidium, qui, quod factis prestatur, in verbis exigit:" "He seeketh not unity, but division, which exacteth that in words, which men are content to yield in action." And it is true, there are some which, as I am persuaded, will not easily offend by inconformity, who notwithstanding make some conscience to subscribe; for they know the note of inconstancy and defection from that which they have long held, shall disable them to do that good which otherwise they might do: for such is the weakness of many, that their ministry should be thereby discredited. As for their easy silencing of them, in such great scarcity of preachers, it is to punish the people, and not them. Ought they not, I mean the bishops, to keep one eye open, to look upon the good that those men do, not to fix them both upon the hurt that they suppose cometh by them? Indeed, such as are intemperate and incorrigible, God forbid they should be permitted to preach: but shall every inconsiderate word, sometimes captiously watched, and for the most part hardly enforced, be as a forfeiture of their voice and gift in preaching? As for sundry particular molestations, I take no pleasure to recite them. If a minister shall be troubled for saying in baptism, "do you believe?" for, "dost thou believe?" If another shall be called in question for praying for her majesty, without the additions of her style; whereas the very form of prayer in the book of Common-Prayer hath, "Thy servant Elizabeth," and no more: If a third shall be accused, upon these words uttered touching the controversies, "tollatur lex, et fiat certamen," (whereby was meant, that the prejudice of the law removed, either reasons should be equally compared,) of calling the people to sedition and mutiny, as if he had said, Away with the law, and try it out with force: If these and other like particulars be true, which I have but by rumour, and cannot affirm; it is to be lamented that they should labour amongst us with so little comfort. I know restrained governments are better than remiss; and I am of his mind that said, "Better is it to live where nothing is lawful, than where all things are lawful." I dislike that laws should not be continued, or disturbers be unpunished: but laws are likened to the grape, that being too much pressed yields a hard and unwholesome wine. Of these things I must say; "Ira viri non operatur justitiam Dei;" "The wrath of man worketh not the righteousness of God."

As for the injuries of the other part, they be ictus mermes; as it were headless arrows; they be fiery and eager invectives, and, in some fond men, uncivil and irreverent behaviour towards their superiors. This last invention also, which exposeth them to derision and obloquy by libels, chargeth not, as I am persuaded, the whole side: neither doth that other, which is yet more odious, practised by the worst sort of them; which is, to call in, as it were to their aids, certain mercenary bands, which impugn bishops, and other ecclesiastical dignities, to have the spoil of their endowments and livings: of these I cannot speak too hardly. It is an intelligence between incendiaries and robbers, the one to fire the house, the other to rifle it.

The fourth point wholly pertaineth to them which impugn the present ecclesiastical government; who although they have not cut themselves off from the body and communion of the church, yet do they affect certain cognizances and differences, wherein they seek to correspond amongst themselves, and to be separate from others. And it is truly said, "tam sunt mores quidam schismatici, quam dogmata schismatica;" "there be as well schismatical fashions as opinions." First, they have impropriated unto themselves the names of zealous, sincere, and reformed; as if all others were cold minglers of holy things and profane, and friends of abuses. Yea, be a man endued with great virtues, and fruitful in good works; yet if he concur not with them, they term him, in derogation, a civil and moral man, and compare him to Socrates, or some heathen philosopher: whereas the wisdom of the Scriptures teacheth us otherwise: namely, to judge and denominate men religious according to their works of the second table; because they of the first are often counterfeit, and practised in hypocrisy. So St. John saith, that "a man doth vainly boast of loving God whom he never saw, if he love not his brother whom he hath seen." And St. James saith, "This is true religion, to visit the fatherless and the widow." So as that which is with them but philosophical and moral, is, in the apostle's phrase, "true religion and christianity." As in affection they challenge the said virtues of zeal and the rest; so in knowledge they attribute unto themselves light and perfection. They say, the church of England in king Edward's time, and in the beginning of her majesty's reign, was but in the cradle; and the bishops in those times did somewhat grope for day-break, but that maturity and fulness of light proceedeth from themselves. So Sabinius, bishop of Heraclea, a Macedonian heretic, said, that the fathers in the council of Nice were but infants and ignorant men: that the church was not so perfect in their decrees as to refuse that farther ripeness of knowledge which time had revealed. And as they censure virtuous men by the names of civil and moral, so do they censure men truly and godly wise, who see into the vanity of their affections, by the name of politics; saying, that their wisdom is but carnal and savouring of man's brain. So likewise if a preacher preach with care and meditation, I speak not of the vain scholastical manner of preaching, but soundly indeed, ordering the matter he handleth distinctly for memory, deducting and drawing it down for direction, and authoriz-

ing it with strong proofs and warrants, they censure it as a form of speaking not becoming the simplicity of the gospel, and refer it to the reprehension of St. Paul, speaking of the "enticing speech of man's wisdom."

Now for their own manner of preaching, what is it? Surely they exhort well, and work compunction of mind, and bring men well to the question, "Viri, fratres, quid faciemus?" But that is not enough, except they resolve the question. They handle matters of controversy weakly, and obiter, and as before a people that will accept of any thing. In doctrine of manners there is little but generality and repetition. The word, the bread of life, they toss up and down, they break it not: they draw not their directions down ad casus conscientiæ; that a man may be warranted in his particular actions whether they be lawful or not; neither indeed are many of them able to do it, what through want of grounded knowledge, what through want of study and time. It is a compendious and easy thing to call for the observation of the sabbath day, or to speak against unlawful gain; but what actions and works may be done upon the sabbath, and what not; and what courses of gain are lawful, and in what cases: to set this down, and to clear the whole matter with good distinctions and decisions, is a matter of great knowledge and labour, and asketh much meditation and conversing in the Scriptures, and other helps which God hath provided and preserved for instruction.

Again, they carry not an equal hand in teaching the people their lawful liberty, as well as their restraints and prohibitions: but they think a man cannot go too far in that that hath a show of a commandment.

They forget that there are sins on the right hand, as well as on the left; and that the word is double-edged, and cutteth on both sides, as well the profane transgressions as the superstitious observances. Who doubteth but that it is as unlawful to shut where God hath opened, as to open where God hath shut; to bind where God hath loosed, as to loose where God hath bound? Amongst men it is commonly as ill taken to turn back favours, as to disobey commandments. In this kind of zeal, for example, they have pronounced generally, and without difference, all untruths unlawful; notwithstanding that the midwives are directly reported to have been blessed for their excuse; and Rahab is said by faith to have concealed the spies; and Solomon's selected judgment proceeded upon a simulation; and our Saviour, the more to touch the hearts of the two disciples with a holy dalliance, made as if he would have passed Emmaus. Farther, I have heard some sermons of mortification, which, I think, with very good meaning, they have preached out of their own experience and exercise, and things in private counsels not unmeet; but surely no sound conceits, much like to Parsons' Resolution, or not so good; apt to breed in men rather weak opinions and perplexed despairs, than filial and true repentance which is sought.

Another point of great inconvenience and peril, is to entitle the people to hear controversies, and all kinds of doctrine. They say no part of the counsel of God is to be suppressed, nor the people defrauded: so as the difference which the apostle maketh between milk and strong meat is confounded: and his precept, that the weak be not admitted unto questions and controversies, taketh no place.

But most of all is to be suspected, as a seed of farther inconvenience, their manner of handling the Scriptures; for whilst they seek express Scripture for every thing; and that they have, in a manner, deprived themselves and the church of a special help and support, by embasing the authority of the fathers, they resort to naked examples, conceited inferences, and forced allusions, such as do mine into all certainty of religion.

Another extremity, is the excessive magnifying of that, which though it be a principal and most holy institution, yet hath its limits, as all things else have. We see wheresoever, in a manner, they find in the Scriptures the word spoken of, they expound it of preaching; they have made it, in a manner, of the essence of the sacrament of the Lord's supper, to have a sermon precedent; they have, in a sort, annihilated the use of liturgies, and forms of divine service, although the house of God be denominated of the principal, "domus orationis," "a house of prayer," and not a house of preaching. As for the life of the good monks and hermits in the primitive Church, I know, they will condemn a man as half a papist, if he should maintain them as other than profane, because they heard no sermons. In the mean time, what preaching is, and who may be said to preach, they move no question; but, as far as I see, every man that presumeth to speak in chair, is accounted a preacher. But I am assured, that not a few that call hotly for a preaching ministry, deserve to be the first themselves that should be expelled. All which errors and misproceedings they do fortify and intrench by an addicted respect to their own opinions, and an impatience to hear contradiction or argument; yea, I know some of them that would think it a tempting of God, to hear or read what may be said against them; as if there could be a quod bonum est, tenete; without an omnia probate, going before.

This may suffice to offer unto themselves a thought and consideration, whether in these things they do well or no? and to correct and assuage the partiality of their followers. For as for any man that shall hereby enter into a contempt of their ministry, it is but his own hardness of heart. I know the work of exhortation doth chiefly rest upon these men, and they have zeal and hate of sin: But again, let them take heed that it be not true which one of their adversaries said, that they have but two small wants, knowledge and love. And so I conclude this point.

The last point, touching the due publishing and debating of these controversies, needeth no long speech. This strange abuse of antiques and pasquils hath been touched before: so likewise I repeat that which I said, that a character of love is more proper for debates of this nature, than that of zeal. As for all direct or indirect glances, or levels at men's persons, they were ever in these cases disallowed.

Lastly, whatsoever be pretended, the people is no meet arbitrator, but rather the quiet, modest, and private assemblies and conferences of the learned. "Qui apud incapacem loquitur, non disceptat, sed calumniatur." The press and pulpit would be freed and discharged of these contentions; neither promotion on the one side, nor glory and heat on the other side, ought to continue those challenges and cartels at the cross and other places; but rather all preachers, especially such as be of good temper, and have wisdom with conscience, ought to inculcate and beat upon a peace, silence, and surseance. Neither let them hear Solon's law, which compelled in factions every particular person to range himself on the one side; nor yet the fond calumny of neutrality; but let them know that is true which is said by a wise man, That neuters in contentions are either better or worse than either side.

These things have I in all sincerity and simplicity set down, touching the controversies which now trouble the church of England; and that without all art and insinuation, and therefore not like to be grateful to either part. Notwithstanding, I trust that hath been said shall find a correspondence in their minds which are not embarked in partiality, and which love the whole better than a part; wherefore I am not out of hope that it may do good; at the least I shall not repent myself of the meditation.

CERTAIN CONSIDERATIONS

TOUCHING

THE BETTER PACIFICATION AND EDIFICATION

OF THE

CHURCH OF ENGLAND.

DEDICATED TO HIS MOST EXCELLENT MAJESTY.

The unity of your church, excellent sovereign, is a thing no less precious than the union of your kingdoms; being both works wherein your happiness may contend with your worthiness. Having therefore presumed, not without your Majesty's gracious acceptation, to say somewhat on the one, I am the more encouraged not to be silent in the other: the rather, because it is an argument that I have travelled in heretofore.* But Solomon commendeth a word spoken in season; and as our Saviour, speaking of the discerning of seasons, saith, "When you see a cloud rising in the west, you say it will be a shower:" so your Majesty's rising to this monarchy in the west parts of the world, doth promise a sweet and fruitful shower of many blessings upon this church and commonwealth; a shower of that influence as the very first dews and drops thereof have already laid the storms and winds throughout christendom; reducing the very face of Europe to a more peaceable and amiable countenance. But to the purpose.

It is very true, that these ecclesiastical matters are things not properly appertaining to my profession; which I was not so inconsiderate but to object to myself: but finding that it is many times seen that a man that standeth off, and somewhat removed from a plot of ground, doth better survey it and discover it than those which are upon it, I thought it not impossible, but that I, as a looker on, might cast mine eyes upon some things which the actors themselves, especially some being interested, some led and addicted, some declared and engaged, did not or would not see. And that knowing in my conscience, whereto God beareth witness, that the things which I shall speak, spring out of no vein of popularity, ostentation, desire of novelty, partiality to either side, disposition to intermeddle, or any the like leaven, I may conceive hope, that what I want in depth of judgment may be countervailed in simplicity and sincerity of affection. But of all things this did most animate me; that I found in these opinions of mine, which I have long held and embraced, as may appear by that which I have many years since written of them, according to the proportion nevertheless of my weakness, a consent and conformity with that which your Majesty hath published of your own most christian, most wise, and moderate sense, in these causes; wherein you have well expressed to the world, that there is infused in your sacred breast, from God, that high principle and position of government, That you ever hold the whole more dear than any part.

For who seeth not that many are affected, and give opinion in these matters, as if they had not so much a desire to purge the evil from the good, as to countenance and protect the evil by the good? Others speak as if their scope were only to set forth what is good, and not to seek what is possible; which is to wish, and not to propound. Others proceed as if they had rather a mind of removing than of reforming. But howsoever either side, as men, though excellent men, shall run into extremities; yet your Majesty, as a most wise, equal, and christian moderator, is disposed to find out the golden mediocrity in the establishment of that which is sound, and in the reparation of that which is corrupt and decayed. To your princely judgment then I do in all humbleness submit whatsoever I shall propound, offering the same but as a mite into the treasury of your wisdom. For as the astronomers do well observe, that when three of the superior lights do meet in conjunction, it bringeth forth some admirable effects: so there being joined in your Majesty the light of nature, the light of learning, and, above all, the light of God's Holy Spirit; it cannot be but your government must be as a happy constellation over the states of your kingdoms. Neither is there wanting to your Majesty that fourth light, which though it be but a borrowed light, yet is of singular efficacy and moment added to the rest, which is the light of a most wise and well compounded council; to whose honourable and grave wisdoms I do likewise submit whatsoever I shall speak, hoping that I shall not need to make protestation of my mind and opinion; That, until your Majesty doth otherwise determine and order, all

* Vide p. 343.

actual and full obedience is to be given to ecclesiastical jurisdiction as it now standeth; and, when your Majesty hath determined and ordered, that every good subject ought to rest satisfied, and apply his obedience to your Majesty's laws, ordinances, and royal commandments; nor of the dislike I have of all immodest bitterness, peremptory presumption, popular handling, and other courses, tending rather to rumour and impression in the vulgar sort, than to likelihood of effect joined with observation of duty.

But before I enter into the points controverted, I think good to remove, if it may be, two opinions, which directly confront and oppone to reformation: the one bringing it to a nullity, and the other to an impossibility. The first is, that it is against good policy to innovate any thing in church matters; the other, that all reformation must be after one platform.

For the first of these, it is excellently said by the prophet; "State super vias antiquas, et videte, quænam sit via recta et vera, et ambulate in ea." So as he doth not say, "State super vias antiquas, et ambulate in eis:" For it is true, that with all wise and moderate persons, custom and usage obtaineth that reverence, as it is sufficient matter to move them to make a stand, and to discover, and take a view; but it is no warrant to guide and conduct them: a just ground, I say, it is of deliberation, but not of direction. But on the other side, who knoweth not, that time is truly compared to a stream, that carrieth down fresh and pure waters into that salt sea of corruption which environeth all human actions? And therefore, if man shall not by his industry, virtue, and policy, as it were with the oar, row against the stream and inclination of time; all institutions and ordinances, be they never so pure, will corrupt and degenerate. But not to handle this matter common-place like, I would only ask, why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year in parliament assembled; devising remedies as fast as time breedeth mischief: and contrariwise the ecclesiastical state should still continue upon the dregs of time, and receive no alteration now for these five and forty years and more? If any man shall object, that if the like intermission had been used in civil causes also, the error had not been great: surely the wisdom of the kingdom hath been otherwise in experience for three hundred years space at the least. But if it be said to me, that there is a difference between civil causes and ecclesiastical, they may as well tell me that churches and chapels need no reparations, though castles and houses do: whereas commonly, to speak truth, dilapidations of the inward and spiritual edifications of the church of God are in all times as great as the outward and material. Sure I am that the very word and style of reformation used by our Saviour, "ab initio non fuit sic," was applied to church matters, and those of the highest nature, concerning the law moral.

Nevertheless, he were both unthankful and unwise, that would deny but that the church of England, during the time of queen Elizabeth of famous memory, did flourish. If I should compare it with foreign churches, I would rather the comparison should be in the virtues, than, as some make it, in the defects; rather, I say, as between the vine and the olive, which should be most fruitful; and not as between the brier and the thistle, which should be most unprofitable. For that reverence should be used to the church, which the good sons of Noah used to their father's nakedness; that is, as it were to go backwards, and to help the defects thereof, and yet to dissemble them. And it is to be acknowledged, that scarcely any church, since the primitive church, yielded, in like number of years and latitude of country, a greater number of excellent preachers, famous writers, and grave governors. But for the discipline and orders of the church, as many, and the chiefest of them, are holy and good; so yet, if St. John were to indite an epistle to the church of England, as he did to them of Asia, it would sure have the clause; "habeo adversus te pauca." And no more for this point, saving, that as an appendix thereto, it is not amiss to touch that objection, which is made to the time, and not to the matter; pretending that if reformation were necessary, yet it were not now seasonable at your Majesty's first entrance: yet Hippocrates saith, "Si quid moves, a principio move:" and the wisdom of all examples do show, that the wisest princes, as they have ever been the most sparing in removing or alteration of servants and officers upon their coming in; so for removing of abuses and enormities, and for reforming of laws, and the policy of their states, they have chiefly sought to ennoble and commend their beginnings therewith; knowing that the first impression with people continueth long, and when men's minds are most in expectation and suspense, then are they best wrought and managed. And therefore it seemeth to me, that as the spring of nature, I mean the spring of the year, is the best time for purging and medicining the natural body, so the spring of kingdoms is the most proper season for the purging and rectifying of politic bodies.

There remaineth yet an objection, rather of suspicion than of reason; and yet such as I think maketh a great impression in the minds of very wise and well-affected persons; which is, that if way be given to mutation, though it be in taking away abuses, yet it may so acquaint men with sweetness of change, as it will undermine the stability even of that which is sound and good. This surely had been a good and true allegation in the ancient contentions and divisions between the people and the senate of Rome; where things were carried at the appetites of multitudes, which can never keep within the compass of any moderation; but these things being with us to have an orderly passage, under a king who hath a royal power and approved judgment, and knoweth as well the measure of things as the nature of them; it is surely a needless fear. For they need not doubt but your majesty, with the advice of your council, will discern what things are intermingled like the tares amongst the wheat, which have their roots so enwrapped and entangled, as the one cannot be pulled up without endangering the

other; and what are mingled, but as the chaff and the corn, which need but a fan to sift and sever them. So much therefore for the first point, of no reformation to be admitted at all.

For the second point, that there should be but one form of discipline in all churches, and that imposed by necessity of a commandment and prescript out of the word of God; it is a matter volumes have been compiled of, and therefore cannot receive a brief redargution. I for my part do confess, that in revolving the Scriptures I could never find any such thing: but that God had left the like liberty to the church government, as he had done to the civil government; to be varied according to time, and place, and accidents, which nevertheless his high and divine providence doth order and dispose. For all civil governments are restrained from God unto the general grounds of justice and manners; but the policies and forms of them are left free: so that monarchies and kingdoms, senates and seignories, the popular states, and communalties, are lawful, and where they are planted ought to be maintained inviolate.

So likewise in church matters, the substance of doctrine is immutable; and so are the general rules of government: but for rites and ceremonies, and for the particular hierarchies, policies, and discipline of churches, they be left at large. And therefore it is good we return unto the ancient bounds of unity in the church of God; which was, one faith, one baptism; and not one hierarchy, one discipline; and that we observe the league of christians, as it is penned by our Saviour; which is in substance of doctrine this; "He that is not with us, is against us:" but in things indifferent, and but of circumstance, this; "He that is not against us, is with us." In these things, so as the general rules be observed; that Christ's flock be fed; that there be a succession in bishops and ministers, which are the prophets of the New Testament; that there be a due and reverent use of the power of the keys; that those that preach the gospel, live of the gospel; that all things tend to edification; that all things be done in order and with decency, and the like: the rest is left to the holy wisdom and spiritual discretion of the master builders and inferior builders in Christ's church; as it is excellently alluded by that father that noted, that Christ's garment was without seam; and yet the church's garment was of divers colours: and thereupon setteth down for a rule; "in veste varietas sit, scissura non sit."

In which variety, nevertheless, it is a safe and wise course to follow good examples and precedents; but then by the rule of imitation and example to consider not only which are best, but which are the likeliest; as namely, the government of the church in the purest times of the first good emperors that embraced the faith. For the times of persecution, before temporal princes received our faith, as they were excellent times for doctrine and manners, so they be improper and unlike examples of outward government and policy. And so much for this point: now to the particular points of controversies, or rather of reformation.

CIRCUMSTANCES IN THE GOVERNMENT OF BISHOPS.

First, therefore, for the government of bishops, I for my part, not prejudging the precedents of other reformed churches, do hold it warranted by the word of God, and by the practice of the ancient church in the better times, and much more convenient for kingdoms, than parity of ministers and government by synods. But then farther, it is to be considered, that the church is not now to plant or build; but only to be pruned from corruption, and to be repaired and restored in some decays.

For it is worth the noting, that the Scripture saith, "Translato sacerdotio, necesse est ut et legis fiat translatio." It is not possible, in respect of the great and near sympathy between the state civil and the state ecclesiastical, to make so main an alteration in the church, but it would have a perilous operation upon the kingdoms; and therefore it is fit that controversy be in peace and silence.

But there be two circumstances in the administration of bishops, wherein, I confess, I could never be satisfied; the one the sole exercise of their authority; the other, the deputation of their authority.

For the first, the bishop giveth orders alone, excommunicateth alone, judgeth alone. This seemeth to be a thing almost without example in good government, and therefore not unlikely to have crept in in the degenerate and corrupt times. We see the greatest kings and monarchs have their councils. There is no temporal court in England of the higher sort where the authority doth rest in one person. The king's bench, common-pleas, and the exchequer, are benches of a certain number of judges. The chancellor of England hath an assistance of twelve masters of the chancery. The master of the wards hath a council of the court: so hath the chancellor of the duchy. In the exchequer chamber, the lord treasurer is joined with the chancellor and the barons. The masters of the requests are ever more than one. The justices of assize are two. The lord presidents in the North and in Wales have councils of divers. The star-chamber is an assembly of the king's privy council, aspersed with the lords spiritual and temporal: so as in courts the principal person hath ever either colleagues or assessors.

The like is to be found in other well-governed commonwealths abroad, where the jurisdiction is yet more dispersed; as in the court of parliament of France, and in other places. No man will deny but the acts that pass the bishop's jurisdiction are of as great importance as those that pass the civil courts; for men's souls are more precious than their bodies or goods; and so are their good names. Bishops have their infirmities, and have no exception from that general malediction which is pronounced against all men living, "Væ soli, nam si occideret," etc. Nay, we see that the first warrant in spiritual causes is directed to a number, "Dic Ecclesiæ;" which is not so in temporal matters: and we see that in general causes of church government, there are as well

assemblies of all the clergy in councils, as of all the states in parliament. Whence should this sole exercise of jurisdiction come? Surely I do suppose, and, I think, upon good ground, that "ab initio non fuit ita;" and that the deans and chapters were councils about the sees and chairs of bishops at the first, and were unto them a presbytery or consistory; and intermeddled not only in the disposing of their revenues and endowments, but much more in jurisdiction ecclesiastical. But it is probable, that the deans and chapters stuck close to the bishops in matters of profit and the world, and would not lose their hold; but in matters of jurisdiction, which they accounted but trouble and attendance, they suffered the bishops to encroach and usurp; and so the one continueth, and the other is lost. And we see that the bishop of Rome, "fas enim et ab hoste doceri," and no question in that church the first institutions were excellent, performeth all ecclesiastical jurisdiction as in consistory.

And whereof consisteth this consistory, but of the parish priests of Rome, which term themselves cardinals, "a cardinibus mundi;" because the bishop pretendeth to be universal over the whole world? And hereof again we see many shadows yet remaining: as, that the dean and chapter, pro forma, chooseth the bishop, which is the highest point of jurisdiction: and that the bishop, when he giveth orders, if there be any ministers casually present, calleth them to join with him in imposition of hands, and some other particulars. And therefore it seemeth to me a thing reasonable and religious, and according to the first institution, that bishops, in the greatest causes, and those which require a spiritual discerning, namely, in ordaining, suspending, or depriving ministers, in excommunication, being restored to the true and proper use, as shall be afterwards touched, in sentencing the validity of marriages and legitimations, in judging causes criminous, as simony, incest, blasphemy, and the like, should not proceed sole and unassisted: which point, as I understand it, is a reformation that may be planted sine strepitu, without any perturbation at all: and is a matter which will give strength to the bishops, countenance to the inferior degrees of prelates or ministers, and the better issue or proceeding to those causes that shall pass.

And as I wish this strength given to the bishops by council, so it is not unworthy your Majesty's consideration, whether you shall not think fit to give strength to the general council of your clergy, the convocation-house, which was then restrained when the state of the clergy was thought a suspected part of the kingdom, in regard of their late homage to the bishop of Rome; which state now will give place to none in their loyalty and devotion to your majesty.

For the second point, which is the deputation of their authority, I see no perfect and sure ground for that neither, being somewhat different from the examples and rules of government. The bishop exerciseth his jurisdiction by his chancellor and commissary official, &c. We see in all laws in the world, offices of confidence and skill cannot be put over, nor exercised by deputy, except it be especially contained in the original grant; and in that case it is doubtful. And for experience, there was never any chancellor of England made a deputy; there was never any judge in any court made a deputy. The bishop is a judge and of a high nature; whence cometh it that he should depute, considering that all trust and confidence, as was said, is personal and inherent; and cannot, nor ought not to be transposed? Surely, in this, again, "ab initio non fuit sic:" but it is probable that bishops, when they gave themselves too much to the glory of the world, and became grandees in kingdoms, and great counsellors to princes, then did they delegate their proper jurisdictions, as things of too inferior a nature for their greatness: and then, after the similitude and imitation of kings and counts palatine, they would have their chancellors and judges.

But that example of kings and potentates giveth no good defence. For the reasons why kings administer by their judges, although themselves are supreme judges, are two: the one, because the offices of kings are for the most part of inheritance; and it is a rule in all laws, that offices of inheritance are rather matters that ground in interest than in confidence; forasmuch as they may fall upon women, upon infants, upon lunatics and idiots, persons incapable to execute judicature in person; and therefore such offices by all laws might ever be exercised and administered by delegation. The second reason is, because of the amplitude of their jurisdictions; which is as great as either their birthright from their ancestors, or their sword-right from God maketh it. And therefore if Moses, that was governor over no great people, and those collected together in a camp, and not scattered in provinces and cities, himself of an extraordinary spirit, was nevertheless not able to suffice and hold out in person to judge the people, but did, by the advice of Jethro approved from God, substitute elders and judges; how much more other kings and princes?

There is a third reason, likewise, though not much to the present purpose; and that is, the kings, either in respect of the commonwealth, or of the greatness of their own patrimonies, are usually parties in suits: and then their judges stand indifferent between them and the subject: but in the case of bishops, none of these reasons hold. For, first, their office is elective, and for life, and not patrimonial or hereditary; an office merely of confidence, science, and qualification. And for the second reason, it is true, that their jurisdiction is ample, and spacious; and that their time is to be divided between the labours as well in the word and doctrine, as in government and jurisdiction: but yet I do not see, supposing the bishops' courts to be used incorruptly, and without any indirect course held to multiply causes for gain of fees, but that the bishop might very well, for causes of moment, supply his judicial function in his own person. For we see before our eyes, that one chancellor of England despatcheth the suits in equity of the whole kingdom; which is not so much by reason of the excellency of that rare honourable person which now holdeth the place: but it was ever so, though more or less bur-

denous to the suitor, as the chancellor was more or less able to give despatch. And if hold be taken of that which was said before, that the bishop's labour in the word must take up a principal part of his time; so I may say again, that matters of state have ever taken up most of the chancellor's time; having been for the most part persons upon whom the kings of this realm have most relied for matters of counsel. And therefore there is no doubt but the bishop, whose circuit is less ample, and the causes in nature not so multiplying, with the help of references and certificates to and from fit persons, for the better ripening of causes in their mean proceedings, and such ordinary helps incident to jurisdiction, may very well suffice his office. But yet there is another help: for the causes that come before him are these: tithes, legacies, administrations, and other testamentary causes; causes matrimonial; accusations against ministers, tending to their suspension, deprivation, or degrading; simony, incontinency, heresy, blasphemy, breach of the sabbath, and other like causes of scandal. The first two of these, in my opinion, differ from the rest; that is, tithes and testaments: for those be matters of profit, and in their nature temporal; though, by a favour and conveyance of the temporal jurisdiction, they have been allowed and permitted to the courts ecclesiastical; the one, to the end the clergy might sue for that that was their sustentation before their own judges; and the other, in a kind of piety and religion, which was thought incident to the performance of dead men's wills. And surely for these two the bishop, in my opinion, may with less danger discharge himself upon his ordinary judges. And I think likewise it will fall out, that those suits are in the greatest number. But for the rest, which require a spiritual prudence and discretion, in respect of their nature, or of the scandal, it were reason, in my opinion, there were no audience given but by the bishop himself; he being also assisted, as was touched before: but it were necessary also he were attended by his chancellor, or some others his officers being learned in the civil laws, for his better instruction in points of formality, or the courses of the court: which if it were done, then were there less use of the official's court, whereof there is now so much complaint: and causes of the nature aforesaid being only drawn to the audience of the bishop, it would repress frivolous and prowling suits, and give a grave and incorrupt proceeding to such causes as shall be fit for the court.

There is a third point also, not of jurisdiction, but of form of proceeding, which may deserve reformation: the rather, because it is contrary to the laws and customs of this land and state, which though they do not rule those proceedings, yet may they be advised with for better directions; and that is the oath ex officio; whereby men are enforced to accuse themselves, and, that that is more, are sworn unto blanks, and not unto accusations and charges declared. By the law of England no man is bound to accuse himself. In the highest cases of treason, torture is used for discovery, and not for evidence. In capital matters, no delinquent's answer upon oath is required; no, not permitted. In criminal matters not capital, handled in the star-chamber, and in causes of conscience, handled in the chancery, for the most part grounded upon trust and secrecy, the oath of the party is required. But how? Where there is an accusation and an accuser, which we call bills of complaint, from which the complainant cannot vary, and out of the compass of the which the defendant may not be examined, exhibited unto the court, and by process notified unto the defendant. But to examine a man upon oath, out of the insinuation of fame, or out of accusations secret and undeclared, though it have some countenance from the civil law, yet it is so opposite ex diametro to the sense and course of the common law, as it may well receive some limitation.

CONCERNING THE LITURGY, THE CEREMONIES, AND SUBSCRIPTION.

For the liturgy, great respect and heed would be taken, lest by inveighing against the dumb ministry, due reverence be not withdrawn from the liturgy. For though the gift of preaching be far above that of reading; yet the action of the liturgy is as high and holy as that of the sermon. It is said, "Domus mea domus orationis vocabitur:" "the house of prayer, not the house of preaching:" and whereas the apostle saith, "How shall men call upon him, on whom they have not believed? And how shall they believe unless they hear? And how shall they hear, without a preacher?" it appeareth that as preaching is the more original, so prayer is the more final; as the difference is between the seed and the fruit; for the keeping of God's law, is the fruit of the teaching of the law; and prayer, or invocation, or divine service, or liturgy, for these be but varieties of terms, is the immediate hallowing of the name of God, and the principal work of the first table, and of the great commandment of the love of God. It is true that the preaching of the holy word of God is the sowing of the seed; it is the lifting up of the brazen serpent, the ministry of faith, and the ordinary means of salvation: but yet it is good to take example, how that the best actions of the worship of God may be extolled excessively and superstitiously. As the extolling of the sacrament bred the superstition of the mass; the extolling of the liturgy and prayers bred the superstition of the monastical orders and oraisons: and so no doubt preaching likewise may be magnified and extolled superstitiously, as if all the whole body of God's worship should be turned into an ear. So as none, as I suppose, of sound judgment, will derogate from the liturgy, if the form thereof be in all parts agreeable to the word of God, the example of the primitive church, and that holy decency which St. Paul commendeth. And therefore, first, that there be a set form of prayer, and that it be not left either to an extemporal form, or to an arbitrary form. Secondly, that it consist as well of lauds, hymns, and thanksgivings, as of petitions, prayers, and supplications. Thirdly, that the form thereof be quickened with some shortness and diversities of prayers and hymns, and with some interchanges of the voice of the people, as well as of the

minister. Fourthly, that it admit some distinctions of times, and commemorations of God's principal benefits, as well general as particular. Fifthly, that prayers likewise be appropriated to several necessities and occasions of the church. Sixthly, that there be a form likewise of words and liturgy in the administration of the sacraments, and in the denouncing of the censures of the church, and other holy actions and solemnities; these things, I think, will not be much controverted.

But for the particular exceptions to the liturgy in form as it now standeth, I think divers of them, allowing they were just, yet seem they not to be weighty; otherwise than that nothing ought to be counted light in matters of religion and piety; as the heathen himself could say, "etiam vultu sæpe læditur pietas." That the word, priest, should not be continued, especially with offence, the word, minister, being already made familiar. This may be said, that it is a good rule in translation, never to confound that in one word in the translation, which is precisely distinguished in two words in the original, for doubt of equivocation and traducing. And therefore seeing the word πρεσβύτερος and ἱερεὺς be always distinguished in the original; and the one used for a sacrificer, the other for a minister; the word, priest, being made common to both, whatsoever the derivation be, yet in use it confoundeth the minister with the sacrificer. And for an example of this kind, I did ever allow the discretion and tenderness of the Rhemish translation in this point; that finding in the original the word ἀγάπη and never ἔρως, do ever translate charity, and never love, because of the indifferency and equivocation of the word with impure love.

Touching the absolution; it is not unworthy consideration, whether it may not be thought improper and unnecessary; for there are but two sorts of absolution, both supposing an obligation precedent; the one upon an excommunication, which is religious and primitive; the other upon confession and penance, which is superstitious, or at least positive; and both particular, and neither general. Therefore since the one is taken away, and the other hath its proper case, what doth a general absolution, wherein there is neither penance nor excommunication precedent? for the church never looseth, but where the church hath bound. And surely I may think this at the first was allowed in a kind of spiritual discretion, because the church thought the people could not be suddenly weaned from their conceit of assoiling, to which they had been so long accustomed.

For confirmation, to my understanding, the state of the question is, whether it be not a matter mistaken and altered by time; and whether that be not now made a subsequent to baptism, which was indeed an inducement to the communion. For whereas in the primitive church children were examined of their faith before they were admitted to the communion, time may seem to have turned it to refer as if it had been to receive a confirmation of their baptism.

For private baptism by women, or lay persons, the best divines do utterly condemn it; and I hear it not generally defended; and I have often marvelled, that where the book in the preface to public baptism doth acknowledge that baptism in the practice of the primitive church was anniversary, and but at certain times; which showeth that the primitive church did not attribute so much to the ceremony, as they would break an outward and general order for it; the book should afterwards allow of private baptism, as if the ceremony were of that necessity, as the very institution, which committed baptism only to the ministers, should be broken in regard of the supposed necessity. And therefore this point of all others I think was but a "Concessum propter duritiem cordis."

For the form of celebrating matrimony, the ring seemeth to many, even of vulgar sense and understanding, a ceremony not grave, especially to be made, as the words make it, the essential part of the action; besides, some other of the words are noted in speech to be not so decent and fit.

For music in churches; that there should be singing of psalms and spiritual songs, is not denied: so the question is de modo; wherein if a man will look attentively into the order and observation of it, it is easy to discern between the wisdom of the institution and the excess of the late times. For first there are no songs or verses sung by the quire, which are not supposed by continual use to be so familiar with the people, as they have them without book, whereby the sound hurteth not the understanding: and those which cannot read upon the book, are yet partakers of the sense, and may follow it with their mind. So again, after the reading of the word, it was thought fit there should be some pause for holy meditation, before they proceeded to the rest of the service: which pause was thought fit to be filled rather with some grave sound, than with a still silence; which was the reason of the playing upon the organs after the Scriptures read: all which was decent and tending to edification. But then the curiosity of division and reports, and other figures of music, have no affinity with the reasonable service of God, but were added in the more pompous times.

For the cap and surplice, since they be things in their nature indifferent, and yet by some held superstitious; and that the question is between science and conscience, it seemeth to fall within the compass of the apostles' rule, which is, "that the stronger do descend and yield to the weaker." Only the difference is, that it will be materially said, that the rule holdeth between private man and private man; but not between the conscience of a private man, and the order of a church. But yet since the question at this time is of a toleration, not by connivance, which may encourage disobedience, but by law, which may give a liberty: it is good again to be advised whether it fall not within the equity of the former rule: the rather, because the silencing of ministers by this occasion is, in the scarcity of good preachers, a punishment that lighteth upon the people, as well as upon the party. And for the subscription, it seemeth to me in the nature of a confession, and therefore more proper to bind in the unity of faith, and to be urged rather for arm-

nies of doctrine, than for rites and ceremonies, and points of outward government. For howsoever politic considerations and reasons of state may require uniformity, yet christian and divine grounds look chiefly upon unity.

TOUCHING A PREACHING MINISTRY.

To speak of a learned ministry: it is true that the worthiness of the pastors and ministers is of all other points of religion the most summary; I do not say the greatest, but the most effectual towards the rest: but herein, to my understanding, while men go on in zeal to hasten this work, they are not aware of as great or greater inconvenience, than that which they seek to remove. For while they inveigh against a dumb ministry, they make too easy and too promiscuous an allowance of such as they account preachers; having not respect enough to their learnings in other arts, which are handmaids to divinity; not respect enough to years, except it be in case of extraordinary gift; not respect enough to the gift itself, which many times is none at all. For God forbid, that every man that can take unto himself boldness to speak an hour together in a church, upon a text, should be admitted for a preacher, though he mean never so well. I know there is a great latitude in gifts, and a great variety in auditories and congregations; but yet so as there is aliquid infimum, below which you ought not to descend. For you must rather leave the ark to shake as it shall please God, than put unworthy hands to hold it up. And when we are in God's temple, we are warned rather to "put our hands upon our mouth, than to offer the sacrifice of fools." And surely it may be justly thought, that amongst many causes of atheism, which are miserably met in our age; as schisms and controversies, profane scoffings in holy matters, and others; it is not the least that divers do adventure to handle the word of God, which are unfit and unworthy. And herein I would have no man mistake me, as if I did extol curious and affected preaching; which is as much on the other side to be disliked, and breedeth atheism and scandal as well as the other: for who would not be offended at one that cometh into the pulpit, as if he came upon the stage to play parts or prizes? neither on the other side, as if I would discourage any who hath any tolerable gift.

But upon this point I ground three considerations: first, whether it were not requisite to renew that good exercise which was practised in this church, some years, and afterwards put down by order indeed from the church, in regard of some abuse thereof, inconvenient for those times; and yet against the advice and opinion of one of the greatest and gravest prelates of this land, and was commonly called prophesying; which was this: That the ministers within a precinct did meet upon a week day in some principal town, where there was some ancient grave minister that was president, and an auditory admitted of gentlemen, or other persons of leisure. Then every minister successively, beginning with the youngest, did handle one and the same part of Scripture, spending severally some quarter of an hour or better, and in the whole some two hours: and so the exercise being begun and concluded with prayer, and the president giving a text for the next meeting, the assembly was dissolved. And this was, as I take it, a fortnight's exercise; which, in my opinion, was the best way to frame and train up preachers to handle the word of God as it ought to be handled, that hath been practised. For we see orators have their declamations, lawyers have their moots, logicians their sophisms; and every practice of science hath an exercise of erudition and initiation before men come to the life; only preaching, which is the worthiest, and wherein it is most danger to do amiss, wanteth an introduction, and is ventured and rushed upon at the first. But unto this exercise of the prophecy, I would wish these two additions: the one, that after this exercise, which is in some sort public, there were immediately a private meeting of the same ministers, where they might brotherly admonish the one the other, and especially the elder sort the younger, of any thing that had passed in the exercise, in matter or manner, unsound and uncomely; and in a word, might mutually use such advice, instruction, comfort, or encouragement, as occasion might minister; for public reprehension were to be debarred. The other addition that I mean is, that the same exercise were used in the universities for young divines, before they presumed to preach, as well as in the country for ministers. For they have in some colleges an exercise called a common-place; which can in no degree be so profitable, being but the speech of one man at one time. And if it be feared that it may be occasion to whet men's speeches for controversies, it is easily remedied, by some strict prohibition, that matters of controversy tending any way to the violating or disquieting the peace of the church, be not handled or entered into; which prohibition, in regard there is ever to be a grave person president or moderator, cannot be frustrated. The second consideration is, whether it were not convenient there should be a more exact probation and examination of ministers: namely, that the bishops do not ordain alone, but by advice; and then that ancient holy order of the church might be revived; by which the bishop did ordain ministers but at four set times of the year; which were called "Quatuor tempora;" which are now called Ember-weeks: it being thought fit to accompany so high an action with general fasting and prayer, and sermons, and all holy exercises; and the names likewise of those that were to be ordained, were published some days before their ordination; to the end exceptions might be taken, if just cause were. The third consideration is, that if the case of the church of England be, that were a computation taken of all the parochian churches, allowing the union of such as were too small and adjacent, and again a computation to be taken of the persons who were worthy to be pastors; and upon the said account if it fall out that there are many more churches than pastors, then of necessity recourse must be had to one of these remedies; either that pluralities must be allowed, especially if you can by

permutation make the benefices more compatible; or that there be allowed preachers to have a more general charge, to supply and serve by turn parishes unfurnished: for that some churches should be provided of pastors able to teach, and others wholly destitute, seemeth to me to be against the communion of saints and christians, and against the practice of the primitive church.

TOUCHING THE ABUSE OF EXCOMMUNICATION.

Excommunication is the greatest judgment upon earth; being that which is ratified in heaven; and being a precursory or prelusory judgment of the great judgment of Christ in the end of the world. And therefore for this to be used irreverently, and to be made an ordinary process, to lackey up and down for fees, how can it be without derogation to God's honour, and making the power of the keys contemptible? I know very well the defence thereof, which hath no great force; that it issueth forth not for the thing itself, but for the contumacy. I do not deny, but this judgment is, as I said before, of the nature of God's judgments; of the which it is a model. For as the judgment of God taketh hold of the least sin of the impenitent, and taketh no hold of the greatest sin of the convert or penitent; so excommunication may in case issue upon the smallest offence, and in case not issue upon the greatest: but is this contumacy such a contumacy as excommunication is now used for? For the contumacy must be such as the party, as far as the eye and wisdom of the church can discern, standeth in state of reprobation and damnation: as one that for that time seemeth given over to final impenitency. Upon this observation I ground two considerations: the one, that this censure be restored to the true dignity and use thereof; which is, that it proceed not but in causes of great weight; and that it be decreed not by any deputy or substitute of the bishop, but by the bishop in person; and not by him alone, but by the bishop assisted.

The other consideration is, that in lieu thereof, there be given to the ecclesiastical court some ordinary process, with such force and coercion as appertaineth; that so the dignity of so high a sentence being retained, and the necessity of mean process supplied, the church may be indeed restored to the ancient vigour and splendour. To this purpose, joined with some other holy and good purposes, was there a bill drawn in parliament, in the three-and-twentieth year of the reign of the queen deceased; which was the gravest parliament that I have known; and the bill recommended by the gravest counsellor of estate in parliament; though afterwards it was staid by the queen's special commandment, the nature of those times considered.

TOUCHING NON-RESIDENTS AND PLURALITIES.

For non-residence, except it be in case of necessary absence, it seemeth an abuse drawn out of [illegible]ness and sloth: for that men should live of the flock that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted, as hath been touched before. The questions upon this point do arise upon cases of exception and excusation, which shall be thought reasonable and sufficient, and which not. For the case of chaplains, let me speak that with your Majesty's pardon, and with reverence towards the other peers and grave persons, whose chaplains by statutes are privileged: I should think, that the attendance which chaplains give to your Majesty's court, and in the houses and families of their lords, were a juster reason why they should have no benefice, than why they should be qualified to have two: for, as it standeth with christian policy, that such attendance be in no wise neglected; because that good, which ensueth thereof to the church of God, may exceed, or countervail that which may follow of their labours in any, though never so large a congregation; so it were reasonable that their maintenance should honourably and liberally proceed thence, where their labours be employed. Neither are there wanting in the church dignities and preferments not joined with any exact cure of souls; by which, and by the hope of which, such attendants in ordinary, who ought to be, as for the most part they are, of the best gifts and sort, may be farther encouraged and rewarded. And as for extraordinary attendants, they may very well retain the grace and countenance of their places and duties at times incident thereunto, without discontinuance or nonresidence in their pastoral charges. Next for the case of intending studies in the universities, it will more easily receive an answer; for studies do but serve and tend to the practice of those studies: and therefore for that which is most principal and final to be left undone, for the attending of that which is subservient and subministrant, seemeth to be against proportion of reason. Neither do I see, but that they proceed right well in all knowledge, which do couple study with their practice; and do not first study altogether, and then practise altogether; and therefore they may very well study at their benefices. Thirdly, for the case of extraordinary service of the church; as if some pastor be sent to a general council, or here to a convocation; and likewise for the case of necessity, as in the particular of infirmity of body, and the like, no man will contradict, but that there may be some substitution for such a time. But the general case of necessity is the case of pluralities; the want of pastors and insufficiency of livings considered, posito, that a man doth faithfully and incessantly divide his labours between two cures: which kind of necessity I come now to speak of in the handling of pluralities.

For pluralities, in case the number of able ministers were sufficient, and the value of benefices were sufficient, then pluralities were in no sort tolerable. But we must take heed we desire not contraries. For to desire that every parish should be furnished with a sufficient preacher, and to desire that pluralities be forthwith taken away, is to desire things

contrary; considering, de facto, there are not sufficient preachers for every parish: whereto add likewise, that there is not sufficient living and maintenance in many parishes to maintain a preacher; and it maketh the impossibility yet much the greater. The remedies in rerum natura are but three; union, permutation, and supply. Union of such benefices as have the living too small, and the parish not too great, and are adjacent. Permutation, to make benefices more compatible, though men be overruled to some loss in changing a better for a nearer. Supply, by stipendiary preachers, to be rewarded with some liberal stipends, to supply, as they may, such places which are unfurnished of sufficient pastors: as queen Elizabeth, amongst other her gracious acts, did erect certain of them in Lancashire; towards which pensions, I see no reason but reading ministers, if they have rich benefices, should be charged.

TOUCHING THE PROVISION FOR SUFFICIENT MAINTENANCE IN THE CHURCH.

Touching church maintenance, it is well to be weighed what is jure divino, and what jure positivo. It is a constitution of the divine law, from which human laws cannot derogate, that those which feed the flock should live of the flock; that those that serve at the altar should live of the altar; that those which dispense spiritual things should reap temporal things; of which it is also an appendix, that the proportion of this maintenance be not small or necessitous, but plentiful and liberal. So then, that all the places and offices of the church be provided of such a dotation, that they may be maintained, according to their several degrees, is a constitution permanent and perpetual: but for particularity of the endowment, whether it should consist of tithes, or lands, or pensions, or mixt, might make a question of convenience, but no question of precise necessity. Again, that the case of the church de facto is such, that there is want in the church of patrimony, is confessed. For the principal places, namely, the bishops' livings, are in some particulars not sufficient; and therefore enforced to be supplied by toleration of commendams, things of themselves unfit, and ever held of no good report. And as for the benefices and pastors' places, it is manifest that very many of them are very weak and penurious. On the other side, that there was a time when the church was rather burdened with superfluity, than with lack, that is likewise apparent; but it is long since; so as the fault was in others, the want redoundeth unto us. Again, that it were to be wished that impropriations were returned to the church as the most proper and natural endowments thereof, is a thing likewise wherein men's judgments will not much vary. Nevertheless, that it is an impossibility to proceed now, either to their resumption or redemption, is as plain on the other side. For men are stated in them by the highest assurance of the kingdom, which is, act of parliament; and the value of them amounteth much above ten subsidies; and the restitution must of necessity pass their hands, in whose hands they are now in possession or interest.

But of these things which are manifestly true, to infer and ground some conclusions. First, in mine own opinion and sense, I must confess, let me speak it with reverence, that all the parliaments since 27 and 31 of Henry VIII. who gave away impropriations from the church, seem to me to stand in a sort obnoxious, and obliged to God in conscience to do somewhat for the church, to reduce the patrimony thereof to a competency. For since they have debarred Christ's wife of a great part of her dowry, it were reason they made her a competent jointure. Next to say, that impropriations should be only charged, that carrieth neither possibility nor reason. Not possibility, for the reasons touched before: not reason, because if it be conceived, that if any other person be charged, it should be a re-charge, or double charge, inasmuch as he payeth tithes already, that is a thing mistaken. For it must be remembered, that as the realm gave tithes to the church, so the realm since again hath given tithes away from the church unto the king, as they may give their eighth sheaf or ninth sheaf. And therefore the first gift being evacuated, it cannot go in defeasance or discharge of that perpetual bond, wherewith men are bound to maintain God's ministers. And so we see in example, that divers godly and well disposed persons, not impropriators, are content to increase their preachers' livings; which, though in law it be but a benevolence, yet before God it is a conscience. Farther, that impropriation should not be somewhat more deeply charged than other revenues of like value, methinks, cannot well be denied, both in regard of the ancient claim of the church, and the intention of the first giver: and again, because they have passed in valuation between man and man somewhat at the less rate, in regard of the said pretence or claim of the church in conscience before God. But of this point, touching church maintenance, I do not think fit to enter into farther particularity, but reserve the same to a fitter time.

Thus have I in all humbleness and sincerity of heart, to the best of my understanding, given your Majesty tribute of my cares and cogitations in this holy business, so highly tending to God's glory, your Majesty's honour, and the peace and welfare of your states: insomuch as I am persuaded that the papists themselves should not need so much the severity of penal laws, if the sword of the Spirit were better edged, by strengthening the authority, and suppressing the abuses in the church.

To conclude, renewing my most humble submission of all that I have said to your Majesty's most high wisdom, and again, most humbly craving pardon for any errors committed in this writing; which the same weakness of judgment that suffered me to commit them, would not suffer me to discover them; I end with my devout and fervent prayer to God, that as he hath made your Majesty the corner-stone, in joining your two kingdoms, so you may be also as a corner-stone to unite and knit together these differences in the church of God; to whose heavenly grace and never-erring direction, I commend your Majesty's sacred person, and all your doings.

THE

TRANSLATION OF CERTAIN PSALMS

INTO ENGLISH VERSE.

BY THE

RIGHT HONOURABLE FRANCIS LORD VERULAM, VISCOUNT ST. ALBAN.

Printed at London, 1625, in Quarto.

TO HIS VERY GOOD FRIEND, MR. GEORGE HERBERT.

THE pains * that it pleased you to take about some of my writings, I cannot forget; which did put me in mind to dedicate to you this poor exercise of my sickness. Besides, it being my manner for dedications, to choose those that I hold most fit for the argument, I thought, that in respect of divinity and poesy met, whereof the one is the matter, the other the style of this little writing, I could not make better choice: so, with signification of my love and acknowledgment, I ever rest

Your affectionate Friend,

FR. ST. ALBAN.

THE TRANSLATION OF THE FIRST PSALM.

WHO never gave to wicked reed
  A yielding and attentive ear;
Who never sinners' paths did tread,
  Nor sat him down in scorner's chair;
But maketh it his whole delight
  On law of God to meditate;
And therein spendeth day and night:
  That man is in a happy state.

He shall be like the fruitful tree,
  Planted along a running spring,
Which, in due season, constantly
  A goodly yield of fruit doth bring:
Whose leaves continue always green,
  And are no prey to winter's power:
So shall that man not once be seen
  Surprised with an evil hour.

With wicked men it is not so,
  Their lot is of another kind:
All as the chaff, which to and fro
  Is tossed at mercy of the wind.
And when he shall in judgment plead,
  A casting sentence bide he must:
So shall he not lift up his head
  In the assembly of the just.

For why? the Lord hath special eye
  To be the godly's stay at call:
And hath given over, righteously,
  The wicked man to take his fall.

THE TRANSLATION OF THE XIIth PSALM.

HELP, Lord, for godly men have took their flight,
  And left the earth to be the wicked's den:
Not one that standeth fast to truth and right,
  But fears, or seeks to please, the eyes of men.
When one with other falls in talk apart,
  Their meaning goeth not with their words, in [proof,
But fair they flatter, with a cloven heart,
  By pleasing words, to work their own behoof.

But God cut off the lips, that are all set
  To trap the harmless soul, that peace hath vowed;
And pierce the tongues, that seek to counterfeit
  The confidence of truth, by lying loud:
Yet so they think to reign, and work their will
  By subtile speech, which enters every where;
And say: Our tongues are ours, to help us still;
  What need we any higher power to fear?

Now for the bitter sighing of the poor,
  The Lord hath said, I will no more forbear
The wicked's kingdom to invade and scour,
  And set at large the men restrained in fear.

* Of translating part of the Advancement of Learning in Latin.

And sure the word of God is pure and fine,
  And in the trial never loseth weight;
Like noble gold, which, since it left the mine,
  Hath seven times passed through the fiery strait.

And now thou wilt not first thy word forsake,
  Nor yet the righteous man that leans thereto;
But wilt his safe protection undertake,
  In spite of all their force and wiles can do.
And time it is, O Lord, thou didst draw nigh;
  The wicked daily do enlarge their bands;
And that which makes them follow ill a vie,
  Rule is betaken to unworthy hands.

THE TRANSLATION OF THE XCth PSALM.

O Lord, thou art our home, to whom we fly,
  And so hast always been from age to age:
Before the hills did intercept the eye,
  Or that the frame was up of earthly stage,
  One God thou wert, and art, and still shalt be;
  The line of time, it doth not measure thee.

Both death and life obey thy holy lore,
  And visit in their turns, as they are sent;
A thousand years with thee they are no more
  Than yesterday, which, ere it is, is spent:
  Or as a watch by night, that course doth keep,
  And goes, and comes, unwares to them that sleep.

Thou carry'st man away as with a tide: [high:
  Then down swim all his thoughts that mounted
Much like a mocking dream, that will not bide,
  But flies before the sight of waking eye;
  Or as the grass, that cannot term obtain,
  To see the summer come about again.

At morning, fair it musters on the ground;
  At even it is cut down, and laid along:
And though it spared were, and favour found,
  The weather would perform the mower's wrong:
  Thus hast thou hanged our life on brittle pins,
  To let us know it will not bear our sins.

Thou bury'st not within oblivion's tomb
  Our trespasses, but enterest them aright;
Yea those that are conceived in darkness' womb,
  To thee appear as done at broad day-light.
  As a tale told, which sometimes men attend,
  And sometimes not, our life steals to an end.

The life of man is threescore years and ten,
  Or, if that he be strong, perhaps fourscore;
Yet all things are but labour to him then,
  New sorrows still come on, pleasures no more.
  Why should there be such turmoil and such strife,
  To spin in length this feeble line of life?

But who considers duly of thine ire?
  Or doth the thoughts thereof wisely embrace?
For thou, O God, art a consuming fire:
  Frail man, how can he stand before thy face?
  If thy displeasure thou dost not refrain,
  A moment brings all back to dust again.

Teach us, O Lord, to number well our days,
  Thereby our hearts to wisdom to apply;
For that which guides man best in all his ways,
  Is meditation of mortality.
    This bubble light, this vapour of our breath,
    Teach us to consecrate to hour of death.

Return unto us, Lord, and balance now,
  With days of joy, our days of misery;
Help us right soon, our knees to thee we bow,
  Depending wholly on thy clemency; [voice,
    Then shall thy servants both with heart and
    All the days of their life in thee rejoice.

Begin thy work, O Lord, in this our age,
  Show it unto thy servants that now live;
But to our children raise it many a stage,
  That all the world to thee may glory give.
    Our handy-work likewise, as fruitful tree,
    Let it, O Lord, blessed, not blasted be.

THE TRANSLATION OF THE CIVth PSALM.

Father and King of powers, both high and low,
Whose sounding fame all creatures serve to blow;
My soul shall with the rest strike up thy praise,
And carol of thy works and wondrous ways.
But who can blaze thy beauties, Lord, aright?
They turn the brittle beams of mortal sight.
Upon thy head thou wearest a glorious crown,
All set with virtues, polished with renown:
Thence round about a silver veil doth fall
Of crystal light, mother of colours all.
The compass heaven, smooth without grain, or fold,
All set with spangs of glittering stars untold,
And striped with golden beams of power unpent,
Is raised up for a removing tent.
Vaulted and arched are his chamber beams
Upon the seas, the waters, and the streams:
The clouds as chariots swift do scour the sky;
The stormy winds upon their wings do fly.
His angels spirits are that wait his will,
As flames of fire his anger they fulfil.
In the beginning, with a mighty hand,
He made the earth by counterpoise to stand,
Never to move, but to be fixed still;
Yet hath no pillars but his sacred will.
This earth, as with a veil, once covered was,
The waters over-flowed all the mass:
But upon his rebuke away they fled,
And then the hills began to show their head;
The vales their hollow bosoms opened plain,
The streams ran trembling down the vales again:
And that the earth no more might drowned be,
He set the sea his bounds of liberty;
And though his waves resound, and beat the shore,
Yet it is bridled by his holy lore.
Then did the rivers seek their proper places,
And found their heads, their issues, and their races;
The springs do feed the rivers all the way,
And so the tribute to the sea repay:
Running along through many a pleasant field,
Much fruitfulness unto the earth they yield:

That know the beasts and cattle feeding by,
Which for to slake their thirst do thither hie.
Nay, desert grounds the streams do not forsake,
But through the unknown ways their journey take:
The asses wild, that hide in wilderness,
Do thither come, their thirst for to refresh.
The shady trees along their banks do spring,
In which the birds do build, and sit, and sing;
Stroking the gentle air with pleasant notes,
Plaining, or chirping through their warbling throats.
The higher grounds, where waters cannot rise,
By rain and dews are watered from the skies;
Causing the earth put forth the grass for beasts,
And garden herbs, served at the greatest feasts;
And bread, that is all viands' firmament,
And gives a firm and solid nourishment;
And wine, man's spirits for to recreate;
And oil, his face for to exhilarate.
The sappy cedars, tall like stately towers,
High-flying birds do harbour in their bowers:
The holy storks, that are the travellers,
Choose for to dwell and build within the firs;
The climbing goats hang on steep mountains' side;
The digging conies in the rocks do bide.
The moon, so constant in inconstancy,
Doth rule the monthly seasons orderly;
The sun, eye of the world, doth know his race,
And when to show, and when to hide his face.
Thou makest darkness, that it may be night,
When as the savage beasts, that fly the light,
As conscious of man's hatred, leave their den,
And range abroad, secured from sight of men.
Then do the forests ring of lions roaring,
That ask their meat of God, their strength restoring;
But when the day appears, they back do fly,
And in their dens again do lurking lie.
Then man goes forth to labour in the field,
Whereby his grounds more rich increase may yield.
O Lord, thy providence sufficeth all;
Thy goodness, not restrained, by general
Over thy creatures: the whole earth doth flow
With thy great largess poured forth here below.
Nor is it earth alone exalts thy name,
But seas and streams likewise do spread the same.
The rolling seas unto the lot doth fall
Of beasts innumerable, great and small;
There do the stately ships plow up the floods,
The greater navies look like walking woods;
The fishes there far voyages do make,
To divers shores their journey they do take.
There hast thou set the great leviathan,
That makes the seas to seethe like boiling pan.
All these do ask of thee their meat to live,
Which in due season thou to them dost give.
Ope thou thy hand, and then they have good fare;
Shut thou thy hand, and then they troubled are.
All life and spirit from thy breath proceed,
Thy word doth all things generate and feed.
If thou withdrawest it, then they cease to be,
And straight return to dust and vanity;
But when thy breath thou dost send forth again,
Then all things do renew and spring amain;
So that the earth, but lately desolate,
Doth now return unto the former state.
The glorious majesty of God above
Shall ever reign in mercy and in love;
God shall rejoice all his fair works to see,
For as they come from him all perfect be.
The earth shall quake, if aught his wrath provol
Let him but touch the mountains they shall sma
As long as life doth last I hymns will sing,
With cheerful voice, to the eternal King;
As long as I have being, I will praise
The works of God, and all his wondrous ways.
I know that he my words will not despise,
Thanksgiving is to him a sacrifice.
But as for sinners they shall be destroyed
From off the earth, their places shall be void.
Let all his works praise him with one accord;
O praise the Lord, my soul; praise ye the Lord

THE TRANSLATION OF THE CXXVIth PSAI

When God returned us graciously
Unto our native land,
We seemed as in a dream to be,
And in a maze to stand.

The heathen likewise they could say:
The God, that these men serve,
Hath done great things for them this day,
Their nation to preserve.

'Tis true; God hath poured out his grace
On us abundantly,
For which we yield him psalms and praiv.
And thanks with jubile.

O Lord, turn our captivity,
As winds, that blow at south,
Do pour the tides with violence
Back to the rivers' mouth.

Who sows in tears shall reap in joy,
The Lord doth so ordain;
So that his seed be pure and good,
His harvest shall be gain.

THE TRANSLATION OF THE CXXXVIIth PSALM.

When as we sat, all sad and desolate,
By Babylon upon the river's side,
Eased from the tasks, which in our captive state
We were enforced daily to abide,
Our harps we had brought with us to the fi
Some solace to our heavy souls to yield.

But soon we found we failed of our account.
For when our minds some freedom did obtain,
Straightways the memory of Sion Mount
Did cause afresh our wounds to bleed again;
So that with present griefs, and future fear
Our eyes burst forth into a stream of tears

As for our harps, since sorrow struck them dum
We hanged them on the willow-trees were ne

Yet did our cruel masters to us come,
Asking of us some Hebrew songs to hear:
Taunting us rather in our misery,
Than much delighting in our melody.

Alas, said we, who can once force or frame
His grieved and oppressed heart to sing
The praises of Jehovah's glorious name,
In banishment, under a foreign king?
In Sion is his seat and dwelling-place,
Thence doth he show the brightness of his face.

Jerusalem, where God his throne hath set,
Shall any hour absent thee from my mind?
Then let my right-hand quite her skill forget,
Then let my voice and words no passage find;
Nay, if I do not thee prefer in all,
That in the compass of my thoughts can fall.

Remember thou, O Lord, the cruel cry
Of Edom's children, which did ring and sound,
Inciting the Chaldean's cruelty,
"Down with it, down with it, even unto the ground."
In that good day repay it unto them,
When thou shalt visit thy Jerusalem.

And thou, O Babylon, shalt have thy turn
By just revenge, and happy shall he be,
That thy proud walls and towers shall waste and burn,
And as thou didst by us, so do by thee.
Yea, happy he, that takes thy children's bones,
And dasheth them against the pavement stones.

THE TRANSLATION OF THE CXLIXth PSALM.

O SING a new song to our God above,
Avoid profane ones, 'tis for holy quire:
Let Israel sing songs of holy love
To him that made them, with their hearts on fire:
Let Sion's sons lift up their voice and sing
Carols and anthems to their heavenly King.

Let not your voice alone his praise forth tell,
But move withal, and praise him in the dance;
Cymbals and harps, let them be tuned well,
'Tis he that doth the poor's estate advance:
Do this not only on the solemn days,
But on your secret beds your spirits raise.

O let the saints bear in their mouth his praise,
And a two-edged sword drawn in their hand,
Therewith for to revenge the former days
Upon all nations that their zeal withstand;
To bind their kings in chains of iron strong,
And manacle their nobles for their wrong.

Expect the time, for 'tis decreed in heaven,
Such honour shall unto his saints be given.

WORKS POLITICAL.

OF THE

STATE OF EUROPE.

[WRITTEN ABOUT THE YEAR 1580.]

In the consideration of the present state of christendom, depending on the inclinations and qualities of the princes, governors of the same, first the person of the pope, acknowledged for supreme of the princes catholic, may be brought forth.

Pope Gregory XIII. of the age of seventy years, by surname Boncompagno, born in Bolonia of the meanest state of the people, his father a shoemaker by occupation: of no great learning nor understanding, busy rather in practice, than desirous of wars, and that rather to farther the advancement of his son and his house, a respect highly regarded of all the popes, than of any inclination of nature, the which, yet in these years, abhorreth not his secret pleasures. Howbeit, two things especially have set so sharp edge to him, whereby he doth bend himself so vehemently against religion. The one is a mere necessity, the other the solicitation of the king of Spain. For, if we consider duly the estate of the present time, we shall find he is not so much carried with the desire to suppress our religion, as driven with the fear of the downfall of his own, if in time it be not upheld and restored.

The reasons be these: he seeth the king of Spain already in years, and worn with labour and troubles, that there is little hope in him of long life. And he failing, there were likely to ensue great alterations of state in all his dominions, the which should be joined with the like in religion, especially in this divided time, and in Spain, already so forward, as the fury of the inquisition can scarce keep in.

In France, the state of that church seemeth to depend on the sole life of the king now reigning, being of a weak constitution, full of infirmities, not likely to have long life, and quite out of hope of any issue. Of the duke of Anjou he doth not assure himself; besides the opinion conceived of the weakness of the complexion of all that race, giving neither hope of length of life nor of children. And the next to the succession make already profession of the reformed religion, besides the increase thereof daily in France: England and Scotland are already, God be thanked, quite reformed, with the better part of Germany. And because the queen's Majesty hath that reputation to be the defender of the true religion and faith; against her Majesty, as the head of the faithful, is the drift of all their mischiefs.

The king of Spain having erected, in his conceit, a monarchy, wherein seeking reputation in the protection of religion, this conjunction with the pope is as necessary to him for the furtherance of his purposes, as to the pope behoveful for the advancing of his house, and for his authority; the king of Spain having already bestowed on the pope's son, degree of title and of office, with great revenues. To encourage the pope herein, being head of the church, they set before him the analogy of the name Gregory, saying, that we were first under a Gregory brought to the faith, and by a Gregory are again to be reduced to the obedience of Rome.

A prophecy likewise is found out that foretelleth, "the dragon sitting in the chair of Peter, great things should be brought to pass."

Thus is the king of France solicited against those of the religion in France: the emperor against those in his dominions; divisions set in Germany; the Low Countries miserably oppressed; and daily attempts against her Majesty, both by force and practice; hereto serve the seminaries, where none are now admitted, but those who take the oath against her Majesty.

The sect of the Jesuits are special instruments to alienate the people from her Majesty, sow faction, and to absolve them of the oath of obedience, and prepare the way to rebellion and revolt.

Besides, for confirmation of their own religion they have used some reformation of the clergy, and brought in catechising.

To go forth with the princes of Italy next in situation.

Duke of Tuscany. The great duke of Tuscany, Francisco de Medici, son to Cosmo, and the third duke of that family and province; of the age of forty years, of disposition severe and sad, rather than manly and grave; no princely port or behaviour more than a great justicer; inclined to peace, and gathering money. All Tuscany is subject unto him, wherein were divers commonwealths; whereof the chief were Florence, Siena, and Pisa, Prato, and Pistoia, saving Lucca, and certain forts on the sea-coast, held by the king of Spain.

He retaineth in his service few, and they strangers, to whom he giveth pensions. In all his citadels he hath garrison of Spaniards, except at Siena: in housekeeping spendeth little, being as it were in pension, agreeing for so much the year with a citizen of Florence for his diet: he has a small guard of Swissers, and when he rideth abroad a guard of forty light horsemen. The militia of his country amounteth to forty thousand soldiers, to the which he granteth leave to wear their weapons on the holy days, and other immunities. Besides, he entertaineth certain men of arms, to the which he giveth seven crowns the month. He also maintaineth seven galleys, the which serve under his knights, erected by his father in Pisa, of the order of St. Stephano: of these galleys three go every year in chase.

His common exercise is in distillations, and in trying of conclusions, the which he doth exercise in a house called Cassino in Florence, where he spendeth the most part of the day; giving ear in the mean season to matters of affairs, and conferring with his chief officers. His revenues are esteemed to amount to a million and a half of crowns, of the which spending half a million, he layeth up yearly one million. But certainly he is the richest prince in all Europe of coin. The form of his government is absolute, depending only of his will and pleasure, though retaining in many things the ancient offices and show. But those magistrates resolve nothing without his express directions and pleasure. Privy council he useth none, but reposeth most his trust on sound secretaries, and conferreth chiefly with his wife, as his father did with one of his secretaries. For matter of examinations, one Corbolo hath the especial trust; he doth favour the people more than the nobility, because they do bear an old grudge to the gentlemen, and the people are the more in number, without whom the nobility can do nothing. One thing in him giveth great contentment to the subjects, that he vouchsafeth to receive and hear all their petitions himself. And in his absence from Florence, those that have suit do resort to the office, and there exhibit their bill indorsed; whereof within three days absolute answer is returned them, unless the matter be of great importance, then have they direction how to proceed. He is a great justicer; and for the ease of the people, and to have the better eye over justice, hath built hard by his palace a fair row of houses for all offices together in one place.

Two years sithence he married la Signora Bianca his concubine, a Venetian of Casa Capelli, whereby he entered straiter amity with the Venetians: with the pope he had good intelligence, and some affinity by the marriage of Signor Jacomo, the pope's son, in Casa Sforza.

To the emperor he is allied, his first wife being the emperor Maximilian's sister.

With Spain he is in strait league, and his mother was of the house of Toledo; his brother likewise, D. Pietro, married in the same house. With France he standeth at this present in some misliking.

With Ferrara always at jar, as with all the dukes of Italy for the preseance in some controversy.

All his revenues arise of taxes and customs; his domains are very small.

He hath by his first wife one son, of the age of four or five years, and four daughters; he hath a base child by this woman, and a base brother, D. Joanni, sixteen years of age, of great expectation.

Two brothers, D. Pietro, and the cardinal.

Ferrara. The duke of Ferrara, Alfonso d'Este, the fifth duke, now about forty years of age; his first wife Lucretia, daughter to Cosmo de Medici, whom they say he poisoned; his second, daughter to Ferdinand the emperor; his third wife now living, Anne daughter to the duke of Mantua. He hath no child. The chief cities of his state are Ferrara, Modena, and Reggio: he is rich in money, growing as the most of Italy, of exactions; of all the princes of Italy alone inclineth to the French; with the pope hath some jar about the passage of a river. The Venetians and he fall in great hatred; with Florence hath enmity; with Lucca little skirmishes every year for a castle he buildeth on their confines, to raise a great toll in a strait passage, by reason of his mother a Guise.

Mantua. William of the house of Gonsaga, the third duke of Mantua; his wife Barbara daughter to the emperor Ferdinand, by whom he hath a son of twenty-two years of age, and a daughter. His son is called Vincentio, his daughter Anne married of late to the duke of Ferrara; his son likewise married a year sithence to the prince of Parma's daughter. The duke his self very deformed and crook-backed, well in years. Montferrat likewise appertaineth to him. Divers of his house have pension always, and serve the king of Spain; his brother the duke of Nevers remaineth in France. He only seeketh to maintain his estate and enrich himself; his greatest pleasure is in horses and building.

Urbin. The duke of Urbin, Francesco Maria, of the house of Roveré, the second of that name, a prince of good behaviour and witty. In his state are seven reasonable fair cities: Pesaro, Augubio, Sinigaglia, Fossombrone, Sanleo, Cagli, Urbino; Pesaro and Sinigaglia are fortresses on the sea-side, Urbin and Sanleo on the Apennine, well fortified. He holdeth three provinces, Montefeltro, Massa Trebaria, and Vicariato di Mondavio.

There have been good princes and valiant of that

minister. Fourthly, that it admit some distinctions of times, and commemorations of God's principal benefits, as well general as particular. Fifthly, that prayers likewise be appropriated to several necessities and occasions of the church. Sixthly, that there be a form likewise of words and liturgy in the administration of the sacraments, and in the denouncing of the censures of the church, and other holy actions and solemnities; these things, I think, will not be much controverted.

But for the particular exceptions to the liturgy in form as it now standeth, I think divers of them, allowing they were just, yet seem they not to be weighty; otherwise than that nothing ought to be counted light in matters of religion and piety; as the heathen himself could say, "etiam vultu sæpe læditur pietas." That the word, priest, should not be continued, especially with offence, the word, minister, being already made familiar. This may be said, that it is a good rule in translation, never to confound that in one word in the translation, which is precisely distinguished in two words in the original, for doubt of equivocation and traducing. And therefore seeing the word πρεσβύτερος and ἱερεὺς be always distinguished in the original; and the one used for a sacrificer, the other for a minister; the word, priest, being made common to both, whatsoever the derivation be, yet in use it confoundeth the minister with the sacrificer. And for an example of this kind, I did ever allow the discretion and tenderness of the Rhemish translation in this point; that finding in the original the word ἀγάπη and never ἔρως, do ever translate charity, and never love, because of the indifferency and equivocation of the word with impure love.

Touching the absolution; it is not unworthy consideration, whether it may not be thought improper and unnecessary; for there are but two sorts of absolution, both supposing an obligation precedent; the one upon an excommunication, which is religious and primitive; the other upon confession and penance, which is superstitious, or at least positive; and both particular, and neither general. Therefore since the one is taken away, and the other hath its proper case, what doth a general absolution, wherein there is neither penance nor excommunication precedent? for the church never looseth, but where the church hath bound. And surely I may think this at the first was allowed in a kind of spiritual discretion, because the church thought the people could not be suddenly weaned from their conceit of assoiling, to which they had been so long accustomed.

For confirmation, to my understanding, the state of the question is, whether it be not a matter mistaken and altered by time; and whether that be not now made a subsequent to baptism, which was indeed an inducement to the communion. For whereas in the primitive church children were examined of their faith before they were admitted to the communion, time may seem to have turned it to refer as if it had been to receive a confirmation of their baptism.

For private baptism by women, or lay persons, the best divines do utterly condemn it; and I hear it not generally defended; and I have often marvelled, that where the book in the preface to public baptism doth acknowledge that baptism in the practice of the primitive church was anniversary, and but at certain times; which showeth that the primitive church did not attribute so much to the ceremony, as they would break an outward and general order for it; the book should afterwards allow of private baptism, as if the ceremony were of that necessity, as the very institution, which committed baptism only to the ministers, should be broken in regard of the supposed necessity. And therefore this point of all others I think was but a "Concessum propter duritiem cordis."

For the form of celebrating matrimony, the ring seemeth to many, even of vulgar sense and understanding, a ceremony not grave, especially to be made, as the words make it, the essential part of the action; besides, some other of the words are noted in speech to be not so decent and fit.

For music in churches; that there should be singing of psalms and spiritual songs, is not denied: so the question is de modo; wherein if a man will look attentively into the order and observation of it, it is easy to discern between the wisdom of the institution and the excess of the late times. For first there are no songs or verses sung by the quire, which are not supposed by continual use to be so familiar with the people, as they have them without book, whereby the sound hurteth not the understanding: and those which cannot read upon the book, are yet partakers of the sense, and may follow it with their mind. So again, after the reading of the word, it was thought fit there should be some pause for holy meditation, before they proceeded to the rest of the service: which pause was thought fit to be filled rather with some grave sound, than with a still silence; which was the reason of the playing upon the organs after the Scriptures read: all which was decent and tending to edification. But then the curiosity of division and reports, and other figures of music, have no affinity with the reasonable service of God, but were added in the more pompous times.

For the cap and surplice, since they be things in their nature indifferent, and yet by some held superstitious; and that the question is between science and conscience, it seemeth to fall within the compass of the apostles' rule, which is, "that the stronger do descend and yield to the weaker." Only the difference is, that it will be materially said, that the rule holdeth between private man and private man; but not between the conscience of a private man, and the order of a church. But yet since the question at this time is of a toleration, not by connivance, which may encourage disobedience, but by law, which may give a liberty; it is good again to be advised whether it fall not within the equity of the former rule: the rather, because the silencing of ministers by this occasion is, in the scarcity of good preachers, a punishment that lighteth upon the people, as well as upon the party. And for the subscription, it seemeth to me in the nature of a confession, and therefore more proper to bind in the unity of faith, and to be urged rather for arti-

gary 40,000 dollars, besides the charge of the presents and his ambassadors, amounting to more than the tribute; in all 100,000 dollars.

The ordinary garrisons in Hungary are to the number of but evil paid at this time.

The revenues and subsidies of Hungary do not pass 100,000 florins. The last emperor affirmed solemnly that the charge of Hungary amounted to one million and a half.

The revenues of Bohemia, ordinary and extraordinary, amount to 50,000 dollars.

In the absence of the emperor, the baron of Rosemberg is governor of Bohemia, who possesseth almost a fourth part of that country, and is a papist; neither he nor his brother have children: he beareth the emperor in hand to make him his heir.

Of Silesia and Moravia, the emperor yearly may have 200,000 florins.

Out of Austriche of subsidy and tribute 100,000 florins, for his domains are all sold away and engaged.

Thus all his revenues make half a million of florins.

To his brothers Maximilian and Ernest he allowcth yearly, by agreement made between them, 45,000 florins apiece, as well for Austriche, as that might hereafter fall unto them by the decease of the archduke Ferdinand in Tyrol, the which shall come to the emperor.

The emperor altogether dependeth on Spain, as well in respect of his house, as the education he received there, and the rule his mother hath over him with the chief of his council. He is utter enemy to religion, having well declared the same in banishing the ministers out of Vienna, and divers other towns, where he goeth about to plant Jesuits.

Of his subjects greatly misliked, as his house is hateful to all Germany.

The archduke Charles holdeth Styria and Carinthia; his chief abode is at Gratz; his wife is sister to the duke of Bavyre, by whom he hath children.

The archduke Ferdinand hath Tyrol, and remaineth the most part at Ilsburg. For his eldest son he hath bought in Germany a pretty state, not far from Ulms; the second is a cardinal. Now he is a widower, and said that he shall marry a daughter of the duke of Mantua.

These are uncles to the emperor: besides Maximilian and Ernest, he hath two brothers, the archduke Matthias, that hath a pension of the estates of the Low Country, and a cardinal archbishop of Toledo.

Germany. In Germany there are divers princes diversely affected. The elector palatine Ludovic, a Lutheran; his chief abode is at Heidelberg.

His brother, John Casimir, Calvinist, at Keiserslautern, or Nieustadt.

Richard their uncle at Symyers.

During the life of the last elector, Ludovic dwelt at Amberg in the higher Palatinate.

Philip Ludovic dwelt at Norbourg on the Danow, and is commonly called duke of.

John dwelleth at Rypont, or Sweybourgh, or in Bergesaber; the other three brethren have no certain dwelling-place. George John, son of Rupert, count Palatine, dwelleth at Lysselsteyn.

Princes of Germany.

Augustus, duke and elector of Saxony, remaineth the most part at Dresden on the Elbe; sometimes at Torge on Elbe, a goodly castle fortified by John Frederick. This elector is Lutheran, and great enemy to our profession; of sixty years of age, half frantic, severe, governed much by his wife, greater exactor than the German princes are wont to be, and retaineth in his service divers Italians; his eldest son married of late the daughter of the duke of Brandebourg.

The sons of John Frederick, captive and yet in prison, remain at Coburge in East Franconia, near the forest of Turinge.

The sons of John William abide at Vinaria in Turingia.

Joachim Frederick, son of John George, elector of Brandebourg, at Hala in Saxony on the river of Sala, as administrator of the archbishopric of Magdebourg.

George Frederick, son of George, dwelleth at Orsbuche in East Franconia, or at Blassenbourge, the which was the mansion of his uncle Albert the warrior.

The elector of Brandenbourg, John George, remaineth at Berlin on the river of Sprea: his uncle John dwelleth at Castryne beyond Odera, very strong both by the situation, and fortified.

William duke of Bavyre, a papist, at Munich in Bavary, married the daughter of the duke of Lorrain.

His second brother Ferdinand remaineth most at Landshutt.

The third, Ernest, is bishop of Frisinghen and Hildesheim, and late of Liege.

Julius duke of Brunswick, at the strong castle of Wolfenbuttel on Oker.

Ericke of Brunswick, son to Magnus, uncle to Julius, remaineth at Mynda, or where the rivers of Werra and Fulda do join, making the river of Visurgis navigable.

William duke of Luneburg hath his being at Cella, on the river Albera.

Henry his brother at Grysorn, where, before, their uncle Francis was wont to dwell.

Otho their cousin, duke of Luneburg, inhabiteth Harbourg, on this side the Elbe, over-right against Hamburgh.

The dukes of Pomerania, John Frederick dwelleth at Stetin.

Bugeslaus, at Campena, some time an abbey in the county of Bardruse.

Ernest Ludovick at Wolgast, on the river of Panis that runneth into the Baltick sea.

Barmin at Ragenwald in Further Pomerania, on the borders of Poland and Prussia.

Casimire at Camyn, which bishoprick he holdeth, either as administrator, or in his own possession and right.

Ulricke duke of Meckelbourg, remaineth most at Gustrow; his brother John Albert dwelleth at Swerin, whose two sons are in the court of the duke of Saxon.

permutation make the benefices more compatible; or that there be allowed preachers to have a more general charge, to supply and serve by turn parishes unfurnished: for that some churches should be provided of pastors able to teach, and others wholly destitute, seemeth to me to be against the communion of saints and christians, and against the practice of the primitive church.

TOUCHING THE ABUSE OF EXCOMMUNICATION.

Excommunication is the greatest judgment upon earth; being that which is ratified in heaven; and being a precursory or prelusory judgment of the great judgment of Christ in the end of the world. And therefore for this to be used irreverently, and to be made an ordinary process, to lackey up and down for fees, how can it be without derogation to God's honour, and making the power of the keys contemptible? I know very well the defence thereof, which hath no great force; that it issueth forth not for the thing itself, but for the contumacy. I do not deny, but this judgment is, as I said before, of the nature of God's judgments; of the which it is a model. For as the judgment of God taketh hold of the least sin of the impenitent, and taketh no hold of the greatest sin of the convert or penitent; so excommunication may in case issue upon the smallest offence, and in case not issue upon the greatest: but is this contumacy such a contumacy as excommunication is now used for? For the contumacy must be such as the party, as far as the eye and wisdom of the church can discern, standeth in state of reprobation and damnation: as one that for that time seemeth given over to final impenitency. Upon this observation I ground two considerations: the one, that this censure be restored to the true dignity and use thereof; which is, that it proceed not but in causes of great weight; and that it be decreed not by any deputy or substitute of the bishop, but by the bishop in person; and not by him alone, but by the bishop assisted.

The other consideration is, that in lieu thereof, there be given to the ecclesiastical court some ordinary process, with such force and coercion as appertaineth; that so the dignity of so high a sentence being retained, and the necessity of mean process supplied, the church may be indeed restored to the ancient vigour and splendour. To this purpose, joined with some other holy and good purposes, was there a bill drawn in parliament, in the three-and-twentieth year of the reign of the queen deceased; which was the gravest parliament that I have known; and the bill recommended by the gravest counsellor of estate in parliament; though afterwards it was staid by the queen's special commandment, the nature of those times considered.

TOUCHING NON-RESIDENTS AND PLURALITIES.

For non-residence, except it be in case of necessary absence, it seemeth an abuse drawn out of covetousness and sloth: for that men should live of the flock that they do not feed, or of the altar at which they do not serve, is a thing that can hardly receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted, as hath been touched before. The questions upon this point do arise upon cases of exception and excusation, which shall be thought reasonable and sufficient, and which not. For the case of chaplains, let me speak that with your Majesty's pardon, and with reverence towards the other peers and grave persons, whose chaplains by statutes are privileged: I should think, that the attendance which chaplains give to your Majesty's court, and in the houses and families of their lords, were a juster reason why they should have no benefice, than why they should be qualified to have two: for, as it standeth with christian policy, that such attendance be in no wise neglected; because that good, which ensueth thereof to the church of God, may exceed, or countervail that which may follow of their labours in any, though never so large a congregation; so it were reasonable that their maintenance should honourably and liberally proceed thence, where their labours be employed. Neither are there wanting in the church dignities and preferments not joined with any exact cure of souls; by which, and by the hope of which, such attendants in ordinary, who ought to be, as for the most part they are, of the best gifts and sort, may be farther encouraged and rewarded. And as for extraordinary attendants, they may very well retain the grace and countenance of their places and duties at times incident thereunto, without discontinuance or nonresidence in their pastoral charges. Next for the case of intending studies in the universities, it will more easily receive an answer; for studies do but serve and tend to the practice of those studies: and therefore for that which is most principal and final to be left undone, for the attending of that which is subservient and subministrant, seemeth to be against proportion of reason. Neither do I see, but that they proceed right well in all knowledge, which do couple study with their practice; and do not first study altogether, and then practise altogether; and therefore they may very well study at their benefices. Thirdly, for the case of extraordinary service of the church; as if some pastor be sent to a general council, or here to a convocation; and likewise for the case of necessity, as in the particular of infirmity of body, and the like, no man will contradict, but that there may be some substitution for such a time. But the general case of necessity is the case of pluralities; the want of pastors and insufficiency of livings considered, posito, that a man doth faithfully and incessantly divide his labours between two cures; which kind of necessity I come now to speak of in the handling of pluralities.

For pluralities, in case the number of able ministers were sufficient, and the value of benefices were sufficient, then pluralities were in no sort tolerable. But we must take heed we desire not contraries. For to desire that every parish should be furnished with a sufficient preacher, and to desire that pluralities be forthwith taken away, is to desire things

ness and judgment, the better thereby able to guide and govern his affairs, both in practice, in treaty, and action. Moreover, the diseased estate of the world doth so concur with this his active forwardness, as it giveth him matter to work upon: and he is the only man to be seen of all them in distress, or desirous of alteration. A matter of special furtherance to all such as have achieved great things, when they have found matter disposed to receive form.

And there is to be found no other prince in this part of the world so towards and forward as the duke, towards whom they in distress may turn their eyes. We do plainly see in the most countries of christendom so unsound and shaken an estate, as desireth the help of some great person, to set together and join again the pieces asunder and out of joint. Wherefore the presumption is great, that if this prince continue this his course, he is likely to become a mighty potentate: for, one enterprise failing, other will be offered, and still men evil at ease, and desirous of a head and captain, will run to him that is fittest to receive them. Besides, the French, desirous to shake off the civil wars, must needs attempt somewhat abroad. This duke first had intelligence with the count Ludovic in king Charles's days, and an enterprise to escape from the court, and in this king's time joined with them of the religion and malcontents: after was carried against them; seeketh the marriage with her majesty, so mighty a princess, as it were to marry might with his activity.

He hath had practice in Germany to be created king of Romans, made a sudden voyage with great expedition into the Low Countries, now is there again with better success than so soon was looked for.

Spain. The king of Spain, Philip, son to Charles the fifth, about sixty years of age, a prince of great understanding, subtle and aspiring, diligent and cruel. This king especially hath made his benefit of the time, where his last attempt on Portugal deserveth exact consideration, thereby as by the workmanship to know the master.

The first success he had was at St. Quintin, where he got a notable hand of the French; he sought to reduce the Low Countries to an absolute subjection.

He hath kept France in continual broil, where, by his pensions and the favour of the house of Guise, by means of the queen-mother in contemplation of her nieces, he beareth great sway. With the pope he is so linked, as he may do what him list, and dispose of that authority to serve his purposes: as he has gotten great authority in pretending to protect the church and religion.

He possesseth the one half of Italy, comprehending Sicily and Sardinia, with Naples and Milan; the which estates do yield him little other profit, save the maintenance of so many Spaniards as he keepeth there always.

The duke of Florence relieth greatly upon him, as well in respect of the state of Siena, as of the ports he holdeth, and of his greatness. Lucca is under his protection. Genoa, the one faction at his devotion, with their galleys: at his pension is most of the greatest there.

Besides the Low Countries, he holdeth the French Comté, the best used of all his subjects, and Luxembourg: the West Indies furnish him gold and silver, the which he consumeth in the wars of the Low Countries, and in pensions, and is greatly indebted, while he worketh on the foundation his father laid, to erect a monarchy, the which if he succeed in the conquest of Portugal, he is likely to achieve, unless death do cut him off.

He hath one son of the years of five by his last wife, two daughters by the French king's sister, two base sons.

He hath greatly sought the marriage of the queen's daughter of France, sister to his last wife, and cousin german removed.

The Turk's revenues are thought to be equal with his.

His revenues are reckoned to amount to sixteen millions.

The chief in credit with him of martial men and for counsel are ----

He maketh account to have in continual pay 50,000 soldiers.

He maintaineth galleys to the number of 140, whereof there are sixty in Portugal, the rest are at Naples, and other places. Now is on league with the Turk.

Portugal. D. Antonio, elect king of Portugal, thrust out by the king of Spain, of forty-five years of age, a mild spirit, sober and discreet: he is now in France, where he hath levied soldiers, whereof part are embarked, hoping by the favour of that king, and the good-will the Portugals do bear him, to be restored again. He holdeth the Torges, and the East-Indians yet remain well affected to him, a case of itself deserving the considering and relief of all other princes. Besides in his person, his election to be noted with the title he claimeth very singular, and seldom the like seen, being chosen of all the people; the great dangers he hath escaped likewise at sundry times.

Poland. The king of Poland, Stephen Batoaye, a baron of Hungary, by the favour of the Turk chosen king of the Pollacks, after the escape made by the French king; a prince of the greatest value and courage of any at this day, of competent years, sufficient wisdom, the which he hath showed in the siege of Danske, and the wars with the Muscovite.

The Hungarians could be content to exchange the emperor for him. The Bohemians likewise wish him in the stead of the other. He were like to attain to the empire, were not that mortal enmity between those two nations as could not agree in one subjection.

Straight upon his election he married the Infant of Poland, somewhat in years and crooked, only to content the Pollacks, but never companied with her. He doth tolerate there all religions, himself heareth the mass, but is not thought to be a papist: he had a great part of his education in Turkey, after served the last emperor.

Denmark. Frederick the second, of forty-eight years, king of Denmark and Norway; his wife Sophia, daughter to Ulricke duke of Mecheleboug, by whom he hath six children, four

daughters and two sons, Christianus and Ulricus, the eldest of five years of age.

The chiefest about him, Nicolas Cose his chancellor, in whose counsel he doth much repose.

He hath always 800 horse about his court, to whom he giveth ten dollars the month.

His father deceased in the year 1559, after which he had wars ten years space with the Swede, which gave him occasion to arm by sea. His navy is six great ships of 1500 ton, and fifteen smaller, ten galleys which sail to pass the Straits.

His revenues grow chiefly in customs, and such living as were in the hands of the abbeys, and bishops, whereby he is greatly enriched: his chief haven is Copenhagen, where always his navy lieth.

His brother John, duke of Holst in Jutland, married to the daughter of the duke of Inferior Saxony.

Magnus, his other brother, bishop of Courland, married the daughter of the Muscovite's brother.

The chiefest wars that the king of Denmark hath is with Sweden, with whom now he hath peace. The duke of Holst is uncle to the king now reigning; they make often alliances with Scotland.

Sweden. John, king of Sweden, son of Gustavus.

This Gustavus had four sons, Erick, John, Magnus, Charles.

Erick married a soldier's daughter, by whom he had divers children, and died in prison.

John, now king, married the sister of Sigismond late king of Poland.

Magnus bestraught of his wits.

Charles married a daughter of the Palsgrave.

Five daughters of Gustavus.

Katherine married to the earl of East-Frisland.

Anne to one of the Palsgraves.

Cicilia to the marquis of Baden.

Sophia to the duke of Inferior Saxony.

Elizabeth to the duke of Mecleburg.

This prince is of no great force nor wealth, but of late hath increased his navigation by reason of the wars between him and the Dane, the which, the wars ceasing, they hardly maintain.

Muscovy. The Muscovite emperor of Russia, John Basil, of threescore years of age, in league and amity with no prince; always at war with the Tartarians, and now with the Pollake.

He is advised by no council, but governeth altogether like a tyrant. He hath one son of thirty years of age. Not long sithence this prince deposed himself, and set in his place a Tartar, whom he removed again. Of late sent an ambassador to Rome giving some hope to submit himself to that see. Their religion is nearest the Greek church, full of superstition and idolatry.

MR. BACON'S DISCOURSE

IN THE

PRAISE OF HIS SOVEREIGN.

No praise of magnanimity, nor of love, nor of knowledge, can intercept her praise, that planteth and nourisheth magnanimity by her example, love by her person, and knowledge by the peace and serenity of her times. And if these rich pieces be so fair unset, what are they set, and set in all perfection? Magnanimity no doubt consisteth in contempt of peril, in contempt of profit, and in meriting of the times wherein one liveth. For contempt of peril, see a lady that cometh to a crown after the experience of some adverse fortune, which for the most part extenuateth the mind, and maketh it apprehensive of fears. No sooner she taketh the sceptre into her sacred hands, but she putteth on a resolution to make the greatest, the most important, the most dangerous that can be in a state, the alteration of religion. This she doth, not after a sovereignty established and continued by sundry years, when custom might have bred in her people a more absolute obedience; when trial of her servants might have made her more assured whom to employ; when the reputation of her policy and virtue might have made her government redoubted: but at the very entrance of her reign, when she was green in authority, her servants scant known unto her, the adverse part not weakened, her own part not confirmed. Neither doth she reduce or reunite her realm to the religion of the states about her that the evil inclination of the subject might be countervailed by the good correspondence in foreign parts: but contrariwise, she introduceth a religion exterminated and persecuted both at home and abroad. Her proceeding herein is not by degrees and by stealth, but absolute and at once. Was she encouraged thereto by the strength she found in leagues and alliances with great and potent confederates? No, but she found her realm in wars with her nearest and mightiest neighbours. She stood single and alone, and in league only with one, that after the people of her nation had made his wars, left her to make her own peace: one that could never be by any solicitation moved to renew the treaties; and one that since hath proceeded from doubtful terms of amity to the highest acts of hostility. Yet, notwithstanding the opposition so great, the support so weak, the season so improper; yet, I say, because

it was a religion wherein she was nourished and brought up; a religion that freed her subjects from pretence of foreign powers, and indeed the true religion; she brought to pass this great work with success worthy so noble a resolution. See a queen that, when a deep and secret conspiracy was plotted against her sacred person, practised by subtile instruments, embraced by violent and desperate humours, strengthened and bound by vows and sacraments, and the same was revealed unto her, (and yet the nature of the affairs required farther ripening before the apprehension of any of the parties,) was content to put herself into the guard of the Divine Providence, and her own prudence, to have some of the conspirators in her eyes, to suffer them to approach to her person, to take a petition of the hand that was conjured for her death; and that with such majesty of countenance, such mildness and serenity of gesture, such art and impression of words, as had been sufficient to have represt and bound the hand of a conspirator, if he had not been discovered. Lastly, see a queen, that when her realm was to have been invaded by an army, the preparation whereof was like the travel of an elephant, the provisions were infinite, the setting forth whereof was the terror and wonder of Europe; it was not seen that her chear, her fashion, her ordinary manner was any thing altered: not a cloud of that storm did appear in that countenance wherein peace doth ever shine; but with excellent assurance, and advised security, she inspired her council, animated her nobility, redoubled the courage of her people, still having this noble apprehension, not only that she would communicate her fortune with them, but that it was she that would protect them, and not they her: which she testified by no less demonstration than her presence in camp. Therefore, that magnanimity that neither feareth greatness of alteration, nor the views of conspirators, nor the power of enemy, is more than heroical.

For contempt of profit, consider her offers, consider her purchases. She hath reigned in a most populous and wealthy peace, her people greatly multiplied, wealthily appointed, and singularly devoted. She wanted not the example of the power of her arms in the memorable voyages and invasions prosperously made and achieved by sundry her noble progenitors. She had not wanted pretences, as well of claim and right, as of quarrel and revenge. She hath reigned during the minority of some of her neighbour princes, and during the factions and divisions of their people upon deep and irreconcilable quarrels, and during the embracing greatness of some one that hath made himself so weak through too much burthen, as others are through decay of strength; and yet see her sitting as it were within the compass of her sands. Scotland, that doth as it were eclipse her island; the United Provinces of the Low Countries, which for wealth, commodity of traffic, affection to our nation, were most meet to be annexed to this crown; she left the possessions of the one, and refused the sovereignty of the other: so that notwithstanding the greatness of her means, the justness of her pretences, and the rareness of her opportunity; she hath continued her first mind, she hath made the possessions which she received the limits of her dominions, and the world the limits of her name, by a peace that hath stained all victories.

For her merits, who doth not acknowledge, that she hath been as a star of most fortunate influence upon the age wherein she hath shined? Shall we speak of merit of clemency? or merit of beneficence? Where shall a man take the most proper and natural trial of her royal clemency? Will it best appear in the injuries that were done unto her before she attained the crown? or after she is seated in her throne? or that the commonwealth is incorporated in her person? Then clemency is drawn in question, as a dangerous encounter of justice and policy. And therefore, who did ever note that she did relent after that she was established in her kingdom, of the wrongs done unto her former estate? Who doth not remember how she did revenge the rigour and rudeness of her jailer by a word, and that no bitter but salt, and such as showed rather the excellency of her wit than any impression of her wrong? Yea, and farther, is it not so manifest, that since her reign, notwithstanding the principle that princes should not neglect, "That the commonwealth's wrong is included in themselves;" yet when it is question of drawing the sword, there is ever a conflict between the justice of her place, joined with the necessity of her state and her royal clemency, which as a sovereign and precious balm, continually distilleth from her fair hands, and falleth into the wounds of many that have incurred the offence of her law.

Now, for her beneficence, what kind of persons have breathed during her most happy reign, but have had the benefit of her virtues conveyed unto them? Take a view, and consider, whether they have not extended to subjects, to neighbours, to remote strangers, yea, to her greatest enemies. For her subjects, where shall we begin in such a maze of benefits as presenteth itself to remembrance? Shall we speak of the purging away of the dross of religion, the heavenly treasure; or that of money, the earthly treasure? The greater was touched before, and the latter deserveth not to be forgotten. For who believeth not, that knoweth any thing in matter of estate, of the great absurdities and frauds that arise of divorcing the legal estimation of moneys from the general, and, as I may term it, natural estimation of metals, and again of the uncertainty and wavering values of coins, a very labyrinth of cozenages and abuse, yet such as great princes have made their profit of towards their own people. Pass on from the mint to the revenue and receipts: there shall you find, no raising of rents, notwithstanding the alteration of prices and the usage of times; but the over value, besides a reasonable fine left for the relief of tenants and reward of servants; no raising of customs, notwithstanding her continual charges of setting to the sea; no extremity taken of forfeiture and penal laws, means used by some kings for the gathering of great treasures. A few forfeitures, indeed, not taken to her own purse, but set over to some others for the trial only, whether gain could bring those laws to be well executed, which the ministers of justice did neglect. But after it was found, that only compas-

sions were used, and the law never the nearer the execution, the course was straight suppressed and discontinued. Yea, there have been made laws more than one in her time for the restraint of the vexations of informers and promoters: nay, a course taken by her own direction for the repealing of all heavy and snared laws, if it had not been crossed by those to whom the benefit should have redounded. There shall you find no new taxes, impositions, nor devices; but the benevolence of the subject freely offered by assent of parliament, according to the ancient rates, and with great moderation in assessment; and not so only, but some new forms of contribution offered likewise by the subject in parliament; and the demonstration of their devotion only accepted, but the thing never put in ure. There shall you find loans, but honourably answered and paid, as it were the contract of a private man. To conclude, there shall you find monies levied upon failts of land, alienation, though not of the ancient patrimony, yet of the rich and commodious purchases and perquisites of the crown only, because she will not be grievous and burdensome to the people. This treasure, so innocently levied, so honourably gathered and raised, with such tenderness to the subject, without any baseness or dryness at all; how hath it been expended and employed? Where be the wasteful buildings, and the exorbitant and prodigal donatives, the sumptuous dissipations in pleasures, and vain ostentations, which we find have exhausted the coffers of so many kings? It is the honour of her house, the royal remunerating of her servants, the preservation of her people and state, the protection of her suppliants and allies, the encounter, breaking, and defeating the enemies of her realm, that hath been the only pores and pipes whereby the treasure hath issued. Hath it been the sinews of a blessed and prosperous peace? Hath she bought her peace? Hath she lent the king of Spain money upon some cavillation not to be repeated, and so bought his favour? And hath she given large pensions to corrupt his council? No, but she hath used the most honourable diversion of troubles that can be in the world. She hath kept the fire from her own walls by seeking to quench it in her neighbours. That poor brand of the state of Burgundy, and that other of the crown of France that remaineth, had been in ashes but for the ready fountain of her continual benignity. For the honour of her house it is well known, that almost the universal manners of the times doth incline to a certain parsimony and dryness in that kind of expense; yet she retaineth the ancient magnificence, the allowance as full, the charge greater than in time of her father, or any king before: the books appear, the computation will not flatter. And for the remunerating and rewarding of her servants, and the attendance of the court, let a man cast and sum up all the books of gifts, fee-farms, leases, and custodies that have passed her bountiful hands. Let him consider again what a number of commodious and gainful offices heretofore bestowed upon men of other education and profession, have been withdrawn and conferred upon her court. Let him remember, what a number of other gifts disguised by other names, but in effect as good as money given out of her coffers, have been granted by her; and he will conclude, that her royal mind is far above her means. The other benefits of her politic, clement, and gracious government towards the subjects are without number; the state of justice good, notwithstanding the great subtilty and humorous affections of these times; the security of peace greater than can be described by that verse:

> "Tutus bos etenim rura perambulat;
> Nutrit rura Ceres, almaque Faustitas."

Or that other,

> "Condit quisque diem collibus in suis."

The opulency of the peace such, as if you have respect, to take one sign for many, to the number of fair houses that have been built since her reign, as Augustus said, "that he had received the city of brick, and left it of marble;" so she may say, she received it a realm of cottages, and hath made it a realm of palaces: the state of traffic great and rich: the customs, notwithstanding these wars and interruptions, not fallen: many profitable trades, many honourable discoveries: and lastly, to make an end where no end is, the shipping of this realm so advanced and made so mighty and potent, as this island is become, as the natural site thereof deserved, the lady of the sea; a point of so high consequence, as it may be truly said, that the commandment of the sea is an abridgement or a quintessence of a universal monarchy.

This and much more hath she merited of her subjects: now to set forth the merit of her neighbours and the states about her. It seemeth the things have made themselves purveyors of continual, new, and noble occasions for her to show them benignity, and that the fires of troubles abroad have been ordained to be as lights and tapers to make her virtue and magnanimity more apparent. For when that one, stranger born, the family of Guise, being as a hasty weed sprung up in a night, had spread itself to a greatness, not civil but seditious; a greatness, not of encounter of the ancient nobility, not of pre-eminency in the favour of kings, and not remiss of affairs from kings; but a greatness of innovation in state, of usurpations of authority, of affecting of crowns; and that accordingly, under colour of consanguinity and religion, they had brought French forces into Scotland, in the absence of their king and queen being within their usurped tutele; and that the ancient nobility of this realm, seeing the imminent danger of reducing that kingdom under the tyranny of foreigners and their faction, had, according to the good intelligence betwixt the two crowns, prayed her neighbourly succours: she undertook the action, expelled the strangers, restored the nobility to their degree. And lest any man should think her intent was to unnestle ill neighbours, and not to aid good neighbours, or that she was readier to restore what was invaded by others than to render what was in her own hands; see if the time provided not a new occasion afterwards, when through their own divi-

sions, without the intermise of strangers, her forces were again sought and required; she forsook them not, prevailed so far as to be possessed of the castle of Edinburgh, the principal strength of that kingdom, with peace, incontinently, without cunctations or cavillations, the preambles of a wavering faith, she rendered with all honour and security; and his person to safe and faithful hands; and so ever after during his minority continued his principal guardian and protector. In the time and between the two occasions of Scotland, when the same faction of Guise, covered still with pretence of religion, and strengthened by the desire of retaining government in the queen-mother of France, had raised and moved civil wars in that kingdom, only to extirpate the ancient nobility, by shocking them one against another, and to waste that realm as a candle which is lighted at both ends: and that those of the religion, being near of the blood-royal, and otherwise of the greatest house in France, and great officers of the crown opposed themselves only against their insolency, and to their supports called in her aid, giving unto them Newhaven for a place of security: see with what alacrity, in tender regard towards the fortune of that young king, whose name was used to the suppliants of his strength, she embraced the enterprise; and by their support and reputation the same party suddenly made great proceedings, and in conclusion made their peace as they would themselves: and although they joined themselves against her, and performed the parts rather of good patriots than of good confederates, and that after great demonstration of valour in her subjects. For as the French will to this day report, specially by the great mortality by the hand of God, and the rather because it is known she did never much affect the holding of that town to her own use; it was left, and her forces withdrawn, yet did that nothing diminish her merit of the crown, and namely of that party who recovered by it such strength, as by that end no other thing they subsisted long after: and lest that any should sinisterly and maliciously interpret that she did nourish those divisions; who knoweth not what faithful advice, continual and earnest solicitation she used by her ambassadors and ministers to the French kings successively, and to their mother, to move them to keep their edicts of pacification, to retain their own authority and greatness by the union of her subjects? Which counsel, if it had been as happily followed, as it was prudently and sincerely given, France at this day had been a most flourishing kingdom, which now is a theatre of misery. And now at last, when the said house of Guise being one of the whips of God, whereof themselves are but the cords, and Spain the stock, had by their infinite aspiring practices wrought the miracles of states, to make a king in possession long established to play again for his crown, without any title of a competitor, without any invasion of a foreign enemy, yea, without any combination in substance of a blood-royal or nobility; but only by furring in audacious persons into sundry governments, and by making the populace of towns drunk with seditious preachers: and that king Henry the third, awaked by those pressing dangers, was compelled to execute the duke of Guise without ceremony; and yet nevertheless found the despair of so many persons embarked and engaged in that conspiracy, so violent, as the flame thereby was little assuaged; so that he was enforced to implore her aids and succours: consider how benign care and good correspondence she gave to the distressed requests of that king; and he soon after being, by the sacrilegious hand of a wretched Jacobin lifted up against the sacred person of his natural sovereign, taken away, not wherein the criminous blood of Guise, but the innocent blood which he hath often spilled by instigation of him and his house was revenged, and that this worthy gentleman who reigneth come to the crown; it will not be forgotten by so grateful a king, nor by so observing an age, how ready, how opportune and reasonable, how royal and sufficient her succours were, whereby she enlarged him at that time, and preferred him to his better fortune: and ever since in those tedious wars, wherein he hath to do with a hydra, or a monster with many heads, she hath supported him with treasure, with forces, and with employment of one that she favoureth most. What shall I speak of the offering of Don Anthony to his fortune; a devoted catholic, only commended unto her by his oppressed state? What shall I say of the great storm of a mighty invasion, not of preparation, but in act, by the Turk upon the king of Poland, lately dissipated only by the beams of her reputation; which with the Grand Signor is greater than that of all the states of Europe put together? But let me rest upon the honourable and continual aid and relief she hath gotten to the distressed and desolate people of the Low Countries; a people recommended unto her by ancient confederacy and daily intercourse, by their cause so innocent, and their fortune so lamentable. And yet notwithstanding, to keep the conformity of her own proceeding never stained with the least note of ambition or malice, she refused the sovereignty of divers of those goodly provinces offered unto her with great instance, to have been accepted with great contentment both of her own people and others, and justly to be derived either in respect of the hostility of Spain, or in respect of the conditions, liberties, and privileges of those subjects, and without charge, danger, and offence to the king of Spain and his partisans. She hath taken upon her their defence and protection without any farther avail or profit unto herself, than the honour and merit of her benignity to the people that hath been pursued by their natural king only upon passion and wrath, in such sort that he doth consume his means upon revenge. And, having to verify that which I said, that her merits have extended to her greatest enemies; let it be remembered what hath passed in that matter between the king of Spain and her: how in the beginning of the troubles there, she gave and imparted to him faithful and friendly advice touching the course that was to be taken for quieting and appeasing of them. Then she interposed herself to most just and reasonable capitulations, wherein always should have been preserved unto him as ample interest, jurisdiction,

and superiority in those countries as he in right could claim, or a prince well-minded would seek to have: and, which is the greatest point, she did by her advice, credit, and policy, and all good means, interrupt and appeach, that the same people by despair should not utterly alien and distract themselves from the obedience of the king of Spain, and cast themselves into the arms of a stranger: insomuch, that it is most true, that she did ever persuade the duke of Anjou from that action, notwithstanding the affection she bare to that duke, and the obstinacy which she saw daily growing in the king of Spain. Lastly, to touch the mighty general merit of this queen, bear in mind, that her benignity and beneficence hath been as large as the oppression and ambition of Spain. For to begin with the church of Rome, that pretended apostolic see is become but a donative cell of the king of Spain; the vicar of Christ is become the king of Spain's chaplain; he parteth the coming in of the new pope, for the treasure of the old: he was wont to exclude but some two or three cardinals, and to leave the election of the rest; but now he doth include, and present directly some small number, all incapable and incompatible with the conclave, put in only for colour, except one or two. The states of Italy, they be like little quillets of freehold being intermixed in the midst of a great honour or lordship: France is turned upside down, the subject against the king, cut and mangled infinitely, a country of Rodamonts and Roytelets, farmers of the ways: Portugal usurped by no other title than strength and vicinity: the Low Countries warred upon, because he seeketh, not to possess them, for they were possessed by him before, but to plant there an absolute and martial government, and to suppress their liberties: the like at this day attempted upon Arragon: the poor Indies, whereas the christian religion generally brought enfranchisement of slaves in all places where it came, in a contrary course are brought from freemen to be slaves, and slaves of most miserable condition: sundry trains and practices of this king's ambition in Germany, Denmark, Scotland, the east towns, are not unknown. Then it is her government, and her government alone, that hath been the sconce and fort of all Europe, which hath lett this proud nation from overrunning all. If any state be yet free from his factions erected in the bowels thereof; if there be any state wherein this faction is erected, that is not yet fired with civil troubles; if there be any state under his protection upon whom he usurpeth not; if there be any subject to him that enjoyeth moderate liberty, upon whom he tyrannizeth not: let them all know, it is by the mercy of this renowned queen, that standeth between them and their misfortunes. These be some of the beams of noble and radiant magnanimity, in contempt of peril which so manifestly, in contempt of profit which so many admire, and in merit of the world which so many include in themselves; set forth in my simplicity of speech with much loss of lustre, but with near approach of truth; as the sun is seen in the water.

A persona.

Now to pass to the excellencies of her person: the view of them wholly and not severally, do make so sweet a wonder, as I fear to divide them. Again, nobility extracted out of the royal and victorious line of the kings of England; yea, both roses, white and red, do as well flourish in her nobility as in her beauty, as health, such as was like she should have that was brought forth by two of the most goodly princes of the world, in the strength of their years, in the heat of their love; that hath been injured neither with an over-liberal nor over-curious diet, that hath not been sustained by an umbratile life still under the roof, but strengthened by the use of the pure and open air, that still retaineth flower and vigour of youth. For the beauty and many graces of her presence, what colours are fine enough for such a portraiture? let no light poet be used for such a description, but the chastest and the royalest:

Of her gait;	Et vera incessu patuit Dea.
Of her voice;	Nec vox hominem sonat.
Of her eye;	Et lætos oculis afflavit honores.
Of her colour;	Indum sanguineo veluti violaverit ostro Si quis ebur.
Of her neck;	Et rosea cervice refulsit.
Of her breast;	Veste sinus collecta fluentes.
Of her hair;	Ambrosiæque comæ divinum vertice odorem Spiravere.

If this be presumption, let him bear the blame that owneth the verses. What shall I speak of her rare qualities of compliment; which as they be excellent in the things themselves, so they have always besides somewhat of a queen: and as queens use shadows and veils with their rich apparel; methinks in all her qualities there is somewhat that flieth from ostentation, and yet inviteth the mind to contemplate her more.

A sermone.

What should I speak of her excellent gift of speech, being a character of the greatness of her conceit, the height of her degree, and the sweetness of her nature? What life, what edge is there in those words and glances wherewith at pleasure she can give a man long to think; be it that she mean to daunt him, to encourage him, or to amaze him! How admirable is her discourse, whether it be in learning, state, or love! what variety of knowledge; what rareness of conceit; what choice of words; what grace of utterance! Doth it not appear, that though her wit be as the adamant of excellencies, which draweth out of any book ancient or new, out of any writing or speech, the best; yet she refineth it, she enricheth it far above the value wherein it is received? And is her speech only that language which the child learneth with pleasure, and not those which the studious learn with industry? Hath she not attained, besides her rare eloquence in her own language, infinitely polished since her happy times, changes of her languages both learned and modern? so that she is able to negotiate with divers ambassadors in their own languages; and that with no disadvantage unto them, who I think cannot but have a great part of their wits distracted from their matters in hand to the contemplation and admiration of such perfections. What should I wander on to speak of the excellencies of her nature, which cannot endure to be looked on with a discon-

tented eye: of the constancy of her favours, which maketh service as a journey by land, whereas the service of other princes is like an embarking by sea. For her royal wisdom and policy of government, he that shall note and observe the prudent temper she useth in admitting access; of the one side maintaining the majesty of her degree, and on the other side not prejudicing herself by looking to her estate through too few windows: her exquisite judgment in choosing and finding good servants, a point beyond the former: her profound discretion in assigning and appropriating every of them to their aptest employment: her penetrating sight in discovering every man's ends and drifts: her wonderful art in keeping servants in satisfaction, and yet in appetite: her inventing wit in contriving plots and overturns: her exact caution in censuring the propositions of others for her service: her foreseeing events: her usage of occasions: he that shall consider of these, and other things that may not well be touched, as he shall never cease to wonder at such a queen, so he shall wonder the less, that in so dangerous times, when wits are so cunning, humours extravagant, passions so violent, the corruptions so great, the dissimulations so deep, factions so many; she hath notwithstanding done such great things, and reigned in felicity.

A fortuna. To speak of her fortune, that which I did reserve for a garland of her honour; and that is, that she liveth a virgin, and hath no children: so it is that which maketh all her other virtues and acts more sacred, more august, more divine. Let them leave children that leave no other memory in their times: "Brutorum æternitas, soboles." Revolve in histories the memories of happy men, and you shall not find any of rare felicity but either he died childless, or his line spent soon after his death; or else was unfortunate in his children. Should a man have them to be slain by his vassals, as the posthumus of Alexander the Great was? or to call them his imposthumes, as Augustus Cæsar called his? Peruse the catalogue: Cornelius Sylla, Julius Cæsar, Flavius Vespasianus, Severus, Constantinus the Great, and many more. "Generare et liberi, humana: creare et operari, divina." And therefore, this objection removed, let us proceed to take a view of her felicity.

A felicitate. A mate of fortune she never took: only some adversity she passed at the first, to give her a quicker sense of the prosperity that should follow, and to make her more reposed in the Divine Providence. Well, she cometh to the crown: it was no small fortune to find at her entrance some such servants and counsellors as she then found. The French king, who at this time, by reason of the peace concluded with Spain, and of the interest he had in Scotland, might have proved a dangerous neighbour: by how strange an accident was he taken away! The king of Spain, who, if he would have inclined to reduce the Low Countries by lenity, considering the goodly revenues which he drew from those countries, the great commodity to convey her state from thence, might have made mighty and perilous matches against her repose; putteth on a resolution not only to use the means of those countries, but to spend and consume all his other means, the treasure of his Indies, and the forces of his ill-compacted dominions there and upon them. The Carles that rebelled in the North, before the duke of Norfolk's plot, which, indeed, was the strength and seal of that commotion, was fully ripe, brake forth, and prevented their time. The king Sebastian of Portugal, whom the king of Spain would fain have persuaded that it was a devouter enterprise to purge christendom, than to enlarge it, though I know some think that he did artificially nourish him in that voyage, is cut a-pieces with his army in Africa: then hath the king of Spain work cut out to make all things in readiness during the old cardinal's time for the conquest of Portugal; whereby his desire of invading of England was slackened and put off some years, and by that means was put in execution at a time for some respects much more to his disadvantage. And the same invasion, like and as if it had been attempted before, it had the time much more proper and favourable; so likewise had it in true discourse a better season afterwards: for, if it had been dissolved till time that the League had been better confirmed in France; which no doubt would have been, if the duke of Guise, who was the only man of worth on that side, had lived; and the French king durst never have laid hand upon him, had he not been animated by the English victory against the Spaniards precedent. And then, if some maritime town had been gotten into the hands of the League, it had been a great surety and strength to the enterprise. The popes, to consider of them whose course and policy it had been, knowing her Majesty's natural clemency, to have temporized and dispensed with the papists coming to church, that through the mask of their hypocrisy they might have been brought into places of government in the state and in the country: these, contrariwise, by the instigation of some fugitive scholars that advised him, not that was best for the see of Rome, but what agreed best with their eager humours and desperate states; discover and declare themselves so far by sending most seminaries, and taking of reconcilements, as there is now severity of laws introduced for the repressing of that sort, and men of that religion are become the suspect. What should I speak of so many conspiracies miraculously detected? the records show the treasons: but it is yet hidden in many of them how they came to light. What should I speak of the opportune death of her enemies, and the wicked instruments towards her estate? Don Juan died not amiss: Darleigh, duke of Lenox, who was used as an instrument to divorce Scotland from the amity of England, died in no ill season: a man withdrawn indeed at that time to France; but not without great help. I may not mention the death of some that occur to mind: but still methinks, they live that should live, and they die that should die. I would not have the king of Spain die yet; he is seges gloriæ: but when he groweth dangerous, or any other besides him, I am persuaded they will die. What should I speak of the fortunes of her armies, which, notwithstanding

the inward peace of this nation, were never more renowned? What should I recount Leith and Newhaven for the honourable skirmishes and services? they are no blemish at all to the militia of England.

In the Low Countries; the Lammas day, the retreat of Ghent, the day of Zutphen, and the prosperous progress of this summer: the bravado in Portugal, and the honourable exploits in the aid of the French king, besides the memorable voyages in the Indies; and lastly the good entertainment of the invincible navy, which was chased till the chasers were weary, after infinite loss, without taking a cock-boat, without firing a sheep-cot, sailed on the mercies of the wind, and the discretion of their adventures, making a perambulation or pilgrimage about the northern seas, and ignobling many shores and points of land by shipwreck: and so returned home with scorn and dishonour much greater, than the terror and expectation of their setting forth.

These virtues and perfections, with so great felicity, have made her the honour of her times, the admiration of the world, the suit and aspiring of greatest kings and princes, who yet durst never have aspired unto her, but as their minds were raised by love.

But why do I forget that words do extenuate and embase matters of so great weight? Time is her best commender, which never brought forth such a prince, whose imperial virtues contend with the excellency of her person: both virtues contend with her fortune: and both virtue and fortune contend with her fame.

"Orbis amor, famæ carmen, cœlique pupilla:
Tu decus omne tuis, tu decus ipsa tibi!"

CERTAIN OBSERVATIONS UPON A LIBEL

PUBLISHED THIS PRESENT YEAR, 1592,

ENTITLED,

A DECLARATION OF THE TRUE CAUSES OF THE GREAT TROUBLES, PRESUPPOSED TO BE INTENDED AGAINST THE REALM OF ENGLAND.

It were just and honourable for princes being in wars together, that howsoever they prosecute their quarrels and debates by arms and acts of hostility; yea, though the wars be such, as they pretend the utter ruin and overthrow of the forces and states one of another, yet they so limit their passions as they preserve two things sacred and inviolable; that is, the life and good name each of other. For the wars are no massacres and confusions; but they are the highest trials of right; when princes and states, that acknowledge no superior upon earth, shall put themselves upon the justice of God for the deciding of their controversies by such success, as it shall please him to give on either side. And as in the process of particular pleas between private men, all things ought to be ordered by the rules of civil laws; so in the proceedings of the war, nothing ought to be done against the law of nations, or the law of honour; which laws have ever pronounced these two sorts of men, the one, conspirators against the persons of princes; the other, libellers against their good fame; to be such enemies of common society as are not to be cherished, no not by enemies. For in the examples of times which were less corrupted, we find that when in the greatest heats and extremities of wars, there have been made offers of murderous and traitorous attempts against the person of a prince to the enemy, they have been not only ejected, but also revealed; and in like manner, when dishonourable mention hath been made of a prince before an enemy prince, by some that have thought therein to please his humour, he hath showed himself, contrariwise, utterly distasted therewith, and been ready to contest for the honour of an enemy.

According to which noble and magnanimous kind of proceeding, it will be found, that in the whole course of her Majesty's proceeding with the king of Spain, since the amity interrupted, there was never any project by her Majesty, or any of her ministers, either moved or assented unto, for the taking away of the life of the said king: neither hath there been any declaration or writing of estate, no nor book allowed, wherein his honour hath been touched or taxed, otherwise than for his ambition; a point which is necessarily interlaced with her Majesty's own justification. So that no man needeth to doubt but that those wars are grounded, upon her Majesty's part, upon just and honourable causes, which have so just and honourable a prosecution; considering it as a much harder matter when a prince is entered into wars to hold respect then, and not to be transported with passion, than to make moderate and just resolutions in the beginnings.

But now if a man look on the other part, it will appear that, rather, as it is to be thought, by the solicitation of traitorous subjects, which is the only poison and corruption of all honourable war between foreigners, or by the presumption of his agents and ministers, than by the proper inclination of that king, there hath been, if not plotted and practised, yet at the least comforted, conspiracies against her

Majesty's sacred person; which nevertheless God's goodness hath used and turned, to show by such miraculous discoveries into how near and precious care and custody it hath pleased him to receive her Majesty's life and preservation. But in the other part it is strange what a number of libellous and defamatory books and writings, and in what variety, with what art and cunning handled, have been allowed to pass through the world in all languages against her Majesty and her government; sometimes pretending the gravity and authority of church stories to move belief; sometimes formed into remonstrances and advertisements of estate to move regard; sometimes presented as it were in tragedies of the persecutions of catholics to move pity; sometimes contrived into pleasant pasquils and satires to move sport: so as there is no shape whereinto these fellows have not transformed themselves; nor no humour nor affection in the mind of man to which they have not applied themselves; thereby to insinuate their untruths and abuses to the world. And indeed let a man look into them, and he shall find them the only triumphant lies that ever were confuted by circumstances of time and place; confuted by contrariety in themselves, confuted by the witness of infinite persons that live yet and have had particular knowledge of the matters; but yet avouched with such asseveration, as if either they were fallen into that strange disease of the mind, which a grave writer describeth in these words, "fingunt simul creduntque;" or as if they had received it as a principal precept and ordinance of their seminaries, "audacter calumniari, semper aliquid hæret;" or as if they were of the race which in old time were wont to help themselves with miraculous lies. But when the cause of this is entered into, namely, that there passeth over out of this realm a number of eager and unquiet scholars, whom their own turbulent and humorous nature presseth out to seek their adventures abroad; and that, on the other side, they are nourished rather in listening after news and intelligences, and in whisperings, than in any commendable learning; and after a time, when either their necessitous estate or their ambitious appetites importune them, they fall on devising how to do some acceptable service to that side which maintaineth them; so as ever when their credit waxeth cold with foreign princes, or that their pensions are ill paid, or some preferment is in sight at which they level, straightways out cometh a libel, pretending thereby to keep in life the party, which within the realm is contrary to the state, wherein they are as wise as he that thinketh to kindle a fire by blowing the dead ashes; when, I say, a man looketh into the cause and ground of this plentiful yield of libels, he will cease to marvel, considering the concurrence which is, as well in the nature of the seed as in the travail of tilling and dressing; yea, and in the fitness of the season for the bringing up of those infectious weeds.

But to verify the saying of our Saviour, "non est discipulus super magistrum;" as they have sought to deprave her Majesty's government in herself, so have they not forgotten to do the same in her principal servants and counsellors; thinking, belike, that as the immediate invectives against her Majesty do best satisfy the malice of the foreigner, so the slander and calumniation of her principal counsellors agreed best with the humours of some malecontents within the realm; imagining also, that it was like they should be more scattered here, and freelier dispersed; and also should be less odious to those foreigners which were not merely partial and passionate, who have for the most part in detestation the traitorous libellings of subjects directly against their natural prince.

Amongst the rest in this kind, there hath been published this present year of 1592, a libel that that giveth place to none of the rest in malice and untruths; though inferior to most of them in penning and style; the author having chosen the vein of a Lucianist, and yet being a counterfeit even in that kind. This libel is entitled, "A declaration of the true causes of the great troubles presupposed to be intended against the realm of England;" and hath a semblance as if it were bent against the doings of her Majesty's ancient and worthy counsellor the lord Burleigh; whose carefulness and pains her Majesty hath used in her counsels and actions of this realm for these thirty-four years space, in all dangerous times, and amidst many and mighty practices; and with such success, as our enemies are put still to their paper-shot of such libels as these; the memory of whom will remain in this land, when all these libels shall be extinct and forgotten; according to the Scripture, "Memoria justi cum laudibus, at impiorum nomen putrescet." But it is more than evident, by the parts of the same book, that the author's malice was to her Majesty and her government, as may especially appear in this, that he charged not his lordship with any particular actions of his private life, such power had truth, whereas the libels made against other counsellors have principally insisted upon that part: but hath only wrested and detorted such actions of state, as in times of his service have been managed; and depraving them, hath ascribed and imputed to him the effects that have followed; indeed to the good of the realm, and the honour of her Majesty, though sometimes to the provoking of the malice, but abridging of the power and means of desperate and incorrigible subjects.

All which slanders, as his lordship might justly despise, both for their manifest untruths, and for the baseness and obscurity of the author; so nevertheless, according to the moderation which his lordship useth in all things, never claiming the privilege of his authority, when it is question of satisfying the world, he hath been content that they be not passed over altogether in silence; whereupon I have, in particular duty to his lordship, amongst others that do honour and love his lordship, and that have diligently observed his actions, and in zeal of truth, collected, upon the reading of the said libel, certain observations, not in form of a just answer, lest I should fall into the error whereof Solomon speaketh thus, "Answer not a fool in his own kind lest thou also be like him;" but only to discover the

malice, and to reprove and convict the untruths thereof.

The points that I have observed upon the reading of this libel, are these following:

I. Of the scope or drift of the libeller.

II. Of the present estate of this realm of England, whether it may be truly avouched to be prosperous or afflicted.

III. Of the proceedings against the pretended catholics, whether they have been violent or moderate, and necessary.

IV. Of the disturbance of the quiet of christendom, and to what causes it may be justly imputed.

V. Of the cunning of the libeller, in palliation of his malicious invective against her Majesty and the state, with pretence of taxing only the actions of the lord Burleigh.

VI. Certain true general notes upon the actions of the lord Burleigh.

VII. Of divers particular untruths and abuses dispersed through the libel.

VIII. Of the height of impudency that these men are grown unto, in publishing and avouching untruths; with a particular recital of some of them for an essay.

I. Of the scope or drift of the libeller.

It is good advice, in dealing with cautelous and malicious persons, whose speech is ever at distance with their meanings, "non quid dixerint, sed quo spectarint, videndum:" a man is not to regard what they affirm, or what they hold; but what they would convey under their pretended discovery, and what turn they would serve. It soundeth strangely in the ears of an Englishman, that the miseries of the present state of England exceed them of former times whatsoever. One would straightway think with himself, doth this man believe what he saith? Or, not believing it, doth he think it possible to make us believe it? Surely, in my conceit, neither of both; but his end, no doubt, was to round the pope and the king of Spain in the ear, by seeming to tell a tale to the people of England. For such books are ever wont to be translated into divers languages; and, no doubt, the man was not so simple as to think he could persuade the people of England the contrary of what they taste and feel. But he thought he might better abuse the states abroad, if he directed his speech to them who could best convict him, and disprove him if he said untrue; so that as Livy saith in the like case, "Ætolos magis, coram quibus verba facerent, quam ad quos, pensi habere;" that the Ætolians, in their tale, did more respect those who did overhear them, than those to whom they directed their speech: so in this matter this fellow cared not to be counted a liar by all English upon price of deceiving of Spain and Italy; for it must be understood, that it hath been the general practice of this kind of men many years, of the one side, to abuse the foreign estates, by making them believe that all is out of joint and ruinous here in England, and that there is great part ready to join with the invader; and on the other side, to make the evil subjects of England believe of great preparatio abroad, and in great readiness to be put in act, a so to deceive on both sides: and this I take to be h principal drift. So again, it is an extravagant a incredible conceit, to imagine that all the conclusio and actions of estate which have passed during h Majesty's reign, should be ascribed to one counsell alone; and to such an one as was never noted f an imperious or over-ruling man; and to say, th though he carried them not by violence, yet he co passed them by device, there is no man of judgme that looketh into the nature of these times, but w easily descry that the wits of these days are t much refined for any man to walk invisible, or make all the world his instruments; and therefo no not in this point assuredly, the libeller spake he thought; but this he foresaw, that the impu tion of cunning doth breed suspicion, and the imp tation of greatness and sway doth breed envy; a therefore finding where he was most wrong, and whose policy and experience their plots were mo crossed, the mark he shot at was to see whether could heave at his lordship's authority, by maki him suspected to the queen, or generally odious the realm; knowing well enough for the one poi that there are not only jealousies, but certain revol tions in princes' minds: so that it is a rare virtue the rarest princes to continue constant to the end their favours and employments. And knowing the other point, that envy ever accompanieth gre ness, though never so well deserved; and that h lordship hath always marched a round and a re course in service; and as he hath not moved envy b pomp and ostentation, so hath he never extinguish it by any popular or insinuative carriage of himsel and this no doubt was his second drift.

A third drift was, to assay if he could suppla and weaken, by this violent kind of libelling, a turning the whole imputation upon his lordship, h resolution and courage; and to make him proce more cautelously, and not so throughly and strong against them; knowing his lordship to be a politi man, and one that hath a great stake to lose.

Lastly, lest, while I discover the cunning and a of this fellow, I should make him wiser than he wa I think a great part of this book was passion "difficile est tacere, cum doleas." The humours these men being of themselves eager and fierc have, by the abort and blasting of their hopes, bee blinded and enraged. And surely this book is, all that sort that have been written, of the mean workmanship; being fraughted with sundry tau scoffs, and cold amplifications, and other character of despite; but void of all judgment or ornament.

II. Of the present estate of this realm of Englan whether it may be truly avouched to be prosper ous or afflicted.

The benefits of Almighty God upon this land since the time that in his singular providence he ha as it were by the hand, and placed in the kingdom his servant our queen Elizabeth, are such, as not in boasting, or in confidence of ourselves, but in praise of his holy name, are worthy to be both considered

and confessed, yea, and registered in perpetual memory: notwithstanding, I mean not after the manner of a panegyric to extol the present time: it shall suffice only that those men, that through the gall and bitterness of their own heart have lost their taste and judgment, and would deprive God of his glory, and us of our senses, in affirming our condition to be miserable, and full of tokens of the wrath and indignation of God, be reproved.

If then it be true, that "nemo est miser, aut felix, nisi comparatus;" whether we shall, keeping ourselves within the compass of our own island, look into the memories of times past, or at this present time take a view of other states abroad in Europe, we shall find that we need not give place to the happiness either of ancestors or neighbours. For if a man weigh well all the parts of state and religion, laws, administration of justice, policy of government, manners, civility, learning and liberal sciences, industry and manual arts, arms and provisions of wars, the sea and land, treasure, traffic, improvement of the soil, population, honour, and reputation, it will appear that, taking one part with another, the state of this nation was never more flourishing.

It is easy to call to remembrance, out of histories, the kings of England which have in more ancient times enjoyed greatest happiness; besides her Majesty's father and grandfather, that reigned in rare felicity, as is fresh in memory. They have been king Henry I. king Henry II. king Henry III. king Edward I. king Edward III. king Henry V. All which have been princes of royal virtue, great felicity, and famous memory. But it may be truly affirmed, without derogation to any of these worthy princes, that whatsoever we find in libels, there is not to be found in the English chronicles, a king that hath, in all respects laid together, reigned with such felicity as her Majesty hath done. For as for the first three Henries, the first came in too soon after a conquest; the second too soon after an usurpation; and the third too soon after a league, or barons' war, to reign with security and contentation. King Henry I. also had unnatural wars with his brother Robert, wherein much nobility was consumed: he had therewithal tedious wars in Wales; and was not without some other seditions and troubles; as namely, the great contestation of his prelates. King Henry II. his happiness was much deformed by the revolt of his son Henry, after he had associated him, and of his other sons. King Henry III. besides his continual wars in Wales, was after forty-four years' reign unquieted with intricate commotions of his barons; as may appear by the mad parliament held at Oxford, and the acts thereupon ensuing. His son Edward I. had a more flourishing time than any of the other; came to his kingdom at ripe years and with great reputation, after his voyage into the Holy Land, and was much loved and obeyed, conducted his wars with great judgment: first having reclaimed Wales to a settled allegiance, and being upon the point of uniting Scotland. But yet I suppose it was more honour for her Majesty to have so important a piece of Scotland in her hand, and the same with such justice to render up, than it was for that worthy king to have advanced in such forwardness the conquest of that nation. And for king Edward III. his reign was visited with much sickness and mortality; so as they reckoned in his days three several mortalities; one in the 22nd year, another in the 35th year, and the last in the 43rd year of his reign; and being otherwise victorious and in prosperity, was by that only cross more afflicted, than he was by the other prosperities comforted. Besides, he entered hardly; and again, according to the verse "cedebant ultima primis," his latter times were not so prosperous. And for king Henry V. as his success was wonderful, so he wanted continuance; being extinguished after ten years' reign in the prime of his fortunes.

1. Continuance.

Now for her Majesty, we will first speak of the blessing of continuance, as that which wanted in the happiest of these kings; and is not only a great favour of God unto the prince, but also a singular benefit unto the people; for that sentence of the Scripture, "misera natio cum multi sunt principes ejus," is interpreted not only to extend to divisions and distractions in government, but also to frequent changes in succession: considering, that the change of a prince bringeth in many charges, which are harsh and unpleasant to a great part of the subjects. It appeareth then, that of the line of five hundred and fourscore years, and more, containing the number of twenty-two kings, God hath already prolonged her Majesty's reign to exceed sixteen of the said two and twenty; and by the end of this present year, which God prosper, she shall attain to be equal with two more: during which time there have deceased four emperors, as many French kings, twice so many bishops of Rome. Yea, every state in christendom, except Spain, have received sundry successions. And for the king of Spain, he is waxed so infirm, and thereby so retired, as the report of his death serveth for every year's news: whereas her Majesty, thanks be given to God, being nothing decayed in vigour of health and strength, was never more able to supply and sustain the weight of her affairs, and is, as far as standeth with the dignity of her Majesty's royal state, continually to be seen, to the great comfort and heartease of her people.

2. Health.

Secondly, we will mention the blessing of health: I mean generally of the people, which was wanting in the reign of another of these kings; which else deserved to have the second place in happiness, which is one of the great favours of God towards any nation. For as there be three scourges of God, war, famine, and pestilence; so are there three benedictions, peace, plenty, and health. Whereas, therefore, this realm hath been visited in times past with sundry kinds of mortalities, as pestilences, sweats, and other contagious diseases, it is so, that in her Majesty's times, being of the continuance aforesaid, there was only, towards the beginning of her reign, some sickness, between June and February, in the city; but not dispersed into any other part of the realm, as was noted; which we call yet the great plague; because that though it was nothing so grievous and so sweeping

as it hath been sundry times heretofore, yet it was great in respect of the health, which hath followed since: which hath been such, especially of late years, as we began to dispute and move questions of the causes whereunto it should be ascribed, until such time as it pleased God to teach us that we ought to ascribe it only to his mercy, by touching us a little this present year, but with a very gentle hand; and such as it hath pleased him since to remove. But certain it is, for so many years together, notwithstanding the great pestering of people in houses, the great multitude of strangers, and the sundry voyages by seas, all which have been noted to be causes of pestilence, the health universal of the people was never so good.

3. Peace. The third blessing is that which all the politic and fortunate kings before recited have wanted; that is, peace: for there was never foreigner since her Majesty's reign, by invasion or incursion of moment, that took any footing within the realm of England. One rebellion there hath been only, but such an one as was repressed within the space of seven weeks, and did not waste the realm so much as by the destruction or depopulation of one poor town. And for wars abroad, taking in those of Leith, those of Newhaven, the second expedition into Scotland, the wars of Spain, which I reckon from the year 86 or 87, (before which time neither had the king of Spain withdrawn his ambassadors here residing; neither had her Majesty received into protection the United Provinces of the Low Countries,) and the aid of France; they have not occupied in time a third part of her Majesty's reign; nor consumed past two of any noble house; whereof France took one, and Flanders another; and very few besides of quality or appearance. They have scarce mowed down the overcharge of the people within the realm. It is therefore true, that the kings aforesaid, and others her Majesty's progenitors, have been victorious in their wars, and have made many famous and memorable voyages and expeditions into sundry parts; and that her Majesty, contrariwise, from the beginning, put on a firm resolution to content herself within those limits of her dominions which she received, and to entertain peace with her neighbour princes; which resolution she hath ever since, notwithstanding she hath had rare opportunities, just claims and pretences, and great and mighty means, sought to continue. But if this be objected to be the less honourable fortune: I answer, that ever amongst the heathen, who held not the expense of blood so precious as christians ought to do, the peaceable government of Augustus Cæsar was ever as highly esteemed as the victories of Julius his uncle; and that the name of "pater patriæ" was ever as honourable as that of "propagator imperii." And this I add farther, that during this inward peace of so many years in the actions of war before mentioned, which her Majesty, either in her own defence or in just and honourable aids, hath undertaken, the service hath been such as hath carried no note of a people, whose militia were degenerated through long peace; but hath every way answered the ancient reputation of the English arms.

The fourth blessing is plenty and abundance: and first for grain and all victuals, there cannot be more evident proof of t plenty than this; that whereas England was w to be fed by other countries from the east, it suffic now to feed other countries; so as we do many tim transport and serve sundry foreign countries: a yet there was never the like multitude of people eat it within the realm. Another evident pr thereof may be, that the good yields of corn whi have been, together with some toleration of ve hath of late time invited and enticed men to bre up more ground, and to convert it to tillage, th all the penal laws for that purpose made and acted could ever by compulsion effect. A third pr may be, that the prices of grain and victual we never of late years more reasonable. Now for ar ments of the great wealth in all other respects, the points following be considered. 4. Plenty a wealth

There was never the like number of fair a stately houses as have been built and set up fr the ground since her Majesty's reign; insomuch th there have been reckoned in one shire that is great, to the number of thirty-three, which ha been all new built within that time; and where the meanest was never built for two thousand poun

There were never the like pleasures of good gardens and orchards, walks, pools, and parks, as adorn almost every mansion-house.

There was never the like number of beautif and costly tombs and monuments which are erect in sundry churches, in honourable memory of th dead.

There was never the like quantity of plate, jewel sumptuous movables, and stuff, as is now within th realm.

There was never the like quantity of waste a unprofitable ground inned, reclaimed, and improve

There was never the like husbanding of all sor of grounds by fencing, manuring, and all kinds good husbandry.

The towns were never better built nor peopled nor the principal fairs and markets ever better co tomed or frequented.

The commodities and ease, of rivers cut by hand and brought into a new channel; of piers th have been built; of waters that have been force and brought against the ground, were never s many.

There was never so many excellent artificers, no so many new handy-crafts used and exercised; no new commodities made within the realm; sugar paper, glass, copper, divers silks, and the like.

There was never such complete and honourabl provision of horse, armour, weapons, ordnance a the war.

The fifth blessing hath been the great population and multitude of families increased within her Majesty's days: fo which point I refer myself to the proclamations a restraint of building in London, the inhibition o inmates of sundry cities, the restraint of cottages by act of parliament, and sundry other tokens of record of the surcharge of people. 5. Increase of people

Reformation in religion.

Besides these parts of a government, blessed from God, wherein the condition of the people hath been more happy in her Majesty's times, than in the times of her progenitors, there are certain singularities and particulars of her Majesty's reign; wherein I do not say, that we have enjoyed them in a more ample degree and proportion than in former ages, as it hath fallen out in the points before mentioned, but such as were in effect unknown and untasted heretofore. As first, the purity of religion, which is a benefit inestimable, and was in the time of all former princes, until the days of her Majesty's father of famous memory, unheard of. Out of which purity of religion have since ensued, beside the principal effect of the true knowledge and worship of God, three points of great consequence unto the civil estate.

The special benefits established among by the purified religion.

One, the stay of a mighty treasure within the realm, which in foretimes was drawn forth to Rome. Another, the dispersion and distribution of those revenues, amounting to a third part of the land of the realm, and that of the goodliest and the richest sort, which heretofore was unprofitably spent in monasteries, into such hands as by whom the realm receiveth, at this day, service and strength; that many great houses have been set up and augmented. The third, the managing and enfranchising of the regal dignity from the recognition of a foreign superior. All which points, though begun by her father, and continued by her brother, were yet nevertheless, after an eclipse or intermission, restored and re-established by her Majesty's self.

Fineness of money.

Secondly, the fineness of money: for as the purging away of the dross of religion, the heavenly treasure, was common to her Majesty with her father and her brother, so the purging of the base money, the earthly treasure, hath been altogether proper to her Majesty's own times; whereby our monies bearing the natural estimation of the stamp or mark, both every man resteth assured of his own value, and free from the losses and deceits which fall out in other places upon the rising and falling of monies.

The might of the navy.

Thirdly, the might of the navy, and augmentation of the shipping of the realm; which, by politic constitutions for maintenance of fishing, and the encouragement and assistance given to the undertakers of new discoveries and trades by sea, is so advanced, as this island is become, as the natural site thereof deserveth, the lady of the sea.

Now, to pass from the comparison of time to the comparison of place, we may find in the states abroad cause of pity and compassion in some: but of envy or emulation in none; our condition being, by the good favour of God, not inferior to any.

Comparison of the state of England with the states abroad.

Afflicted in France.

The kingdom of France, which, by reason of the seat of the empire of the west, was wont to have the precedence of the kingdoms of Europe, is now fallen into those calamities, that, as the prophet saith, "From the crown of the head to the sole of the foot, there is no whole place." The divisions are so many, and so intricate, of protestants and catholics, royalists and leaguers, Bourbonists and Lorainists, patriots and Spanish; as it seemeth God hath some great work to bring to pass upon that nation: yea, the nobility divided from the third estate, and the towns from the field. All which miseries, truly to speak, have been wrought by Spain and the Spanish faction.

Low Countries.

The Low Countries, which were, within the age of a young man, the richest, the best peopled, and the best built plots of Europe, are in such estate, as a country is like to be in, that hath been the seat of thirty years' war: and although the sea provinces be rather increased in wealth and shipping than otherwise; yet they cannot but mourn for their distraction from the rest of their body.

Portugal.

The kingdom of Portugal, which of late times, through their merchandizing and places in the East Indies, was grown to be an opulent kingdom, is now at the last, after the unfortunate journey of Afric, in that state as a country is like to be, that is reduced under a foreigner by conquest; and such a foreigner as hath his competitor in title, being a natural Portugal and no stranger; and having been once in possession, yet in life; whereby his jealousy must necessarily be increased, and through his jealousy their oppression: which is apparent, by the carrying of many noble families out of their natural countries to live in exile, and by putting to death a great number of noblemen, naturally born to have been principal governors of their countries. These are three afflicted parts of christendom; the rest of the states enjoy either prosperity or tolerable condition.

Prosperous, as Scotland.

The kingdom of Scotland, though at this present, by the good regiment and wise proceeding of the king, they enjoy good quiet; yet since our peace, it hath passed through no small troubles, and remaineth full of boiling and swelling humours; but like, by the maturity of the said king every day increasing, to be repressed.

Poland.

The kingdom of Poland is newly recovered out of great wars about an ambiguous election. And besides, is a state of that composition, that their king being elective, they do commonly choose rather a stranger than one of their own country: a great exception to the flourishing estate of any kingdom.

Sweden.

The kingdom of Swedeland, beside their foreign wars upon their confines, the Muscovites and the Danes, hath been also subject to divers intestine tumults and mutations, as their stories do record.

Denmark.

The kingdom of Denmark hath had good times, especially by the good government of the late king, who maintained the profession of the gospel; but yet greatly giveth place to the kingdom of England, in climate, wealth, fertility, and many other points both of honour and strength.

Italy.

The estates of Italy, which are not under the dominion of Spain, have had

peace equal in continuance with ours, except in regard of that which hath passed between them and the Turk, which hath sorted to their honour and commendation; but yet they are so bridled and overawed by the Spaniard, that possesseth the two principal members thereof, and that in the two extreme parts, as they be like quillets of freehold, being intermixed in the midst of a great honour or lordship; so as their quiet is intermingled, not with jealousy alone, but with restraint.

Germany. The states of Germany have had for the most part peaceable times; but yet they yield to the state of England; not only in the great honour of a great kingdom, they being of a mean style and dignity, but also in many other respects both of wealth and policy.

Savoy. The state of Savoy having been in the old duke's time governed in good prosperity, hath since (notwithstanding their new great alliance with Spain, whereupon they waxed insolent, to design to snatch up some piece of France, after the dishonourable repulse from the siege of Geneva) been often distressed by a particular gentleman of Dauphiny; and at this present day the duke feeleth, even in Piedmont beyond the mountains, the weight of the same enemy; who hath lately shut up his gates and common entries between Savoy and Piedmont.

So as hitherto I do not see but that we are as much bound to the mercies of God as any other nation; considering that the fires of dissension and oppression in some parts of christendom, may serve us for lights to show us our happiness: and the good estates of other places, which we do congratulate with them for, is such, nevertheless, as doth not stain and exceed ours: but rather doth still leave somewhat, wherein we may acknowledge an ordinary benediction of God.

Spain. Lastly, we do not much emulate the greatness and glory of the Spaniards; who having not only excluded the purity of religion, but also fortified against it, by their device of the inquisition, which is a bulwark against the entrance of the truth of God; having, in recompence of their new purchase of Portugal, lost a great part of their ancient patrimonies of the Low Countries, being of far greater commodity and value, or at the least holding part thereof in such sort as most of their other revenues are spent there upon their own; having lately, with much difficulty, rather smoothed and skinned over, than healed and extinguished the commotions of Aragon; having rather sowed troubles in France, than reaped assured fruit thereof unto themselves; having from the attempt of England received scorn and disreputation; being at this time with the states of Italy rather suspected than either loved or feared; having in Germany and elsewhere, rather much practice, than any sound intelligence or amity; having no such clear succession as they need object, and reproach the uncertainty thereof unto another nation; have in the end won a reputation rather of ambition than justice; and in the pursuit of their ambition, rather of much enterprising than of fortunate achieving; and in their enterprising, rather of doing things by treasure and expense, than by forces and valour.

Now that I have given the reader a taste of England respectively, and in comparison of the times past, and of the states abroad, I will descend to examine the libeller's own divisions, whereupon let the world judge how easily and clean this ink, which he hath cast in our faces, is washed off.

The first branch of the pretended calamities of England, is the great and wonderful confusion which, he saith, is in the state of the church; which is subdivided again into two parts: the one, the prosecutions against the catholics; the other, the discords and controversies amongst ourselves: the former of which two parts I have made an article by itself; wherein I have set down a clear and simple narration of the proceedings of state against that sort of subjects; adding this by the way, that there are two extremities in state concerning the causes of faith and religion; that is to say, the permission of the exercises of more religions than one, which is a dangerous indulgence and toleration; the other is the entering and sifting into men's consciences when no overt scandal is given, which is rigorous and strainable inquisition; and I avouch the proceedings towards the pretended catholics to have been a mean between these two extremities, referring the demonstration thereof unto the aforesaid narration in the articles following.

Concerning the controversies in our church.

Touching the divisions in our church, the libeller affirmeth that the protestantical Calvinism, for so it pleaseth him with very good grace to term the religion with us established, is grown contemptible, and detected of idolatry, heresy, and many other superstitious abuses, by a purified sort of professors of the same gospel. And this contention is yet grown to be more intricate, by reason of a third kind of gospellers called Brownists: who, being directed by the great fervour of the unholy ghost, do expressly affirm, that the protestantical church of England is not gathered in the name of Christ, but of Antichrist; and that if the prince or magistrate under her do refuse or defer to reform the church, the people may, without her consent, take the reformation into their own hands: and hereto he addeth the fanatical pageant of Hacket. And this is the effect of this accusation in this point. For answer whereunto, first, it must be remembered that the church of God hath been in all ages subject to contentions and schisms: the tares were not sown but where the wheat was sown before. Our Saviour Christ delivered it for an ill note to have outward peace; saying, "when a strong man is in possession of the house," meaning the devil, "all things are in peace." It is the condition of the church to be ever under trials; and there are but two trials; the one of persecution, the other of scandal and contention; and when the one ceaseth, the other succeedeth: nay, there is scarce any one epistle of St. Paul's unto the churches, but containeth some reprehension of unnecessary and schismatical controversies. So likewise in the reign of Constantine the Great, after the time that the church had obtained peace from per-

secution, straight entered sundry questions and controversies, about no less matters than the essential parts of the faith, and the high mysteries of the Trinity. But reason teacheth us, that in ignorance and implied belief it is easy to agree, as colours agree in the dark: or if any country decline into atheism, then controversies wax dainty, because men do think religion scarce worth the falling out for; so as it is weak divinity to account controversies an ill sign in the church.

It is true that certain men, moved with an inconsiderate detestation of all ceremonies or orders, which were in use in the time of the Roman religion, as if they were without difference superstitious or polluted, and led with an affectionate imitation of the government of some protestant churches in foreign states; have sought by books and preaching, indiscreetly, and sometimes undutifully, to bring in an alteration in the external rites and policy of the church; but neither have the grounds of the controversies extended unto any point of faith; neither hath the pressing and prosecution exceeded, in the generality, the nature of some inferior contempts: so as they have been far from heresy and sedition, and therefore rather offensive than dangerous to the church or state.

And as for those which we call Brownists, being, when they were at the most, a very small number of very silly and base people, here and there in corners dispersed, they are now, thanks be to God, by the good remedies that have been used, suppressed and worn out; so as there is scarce any news of them. Neither had they been much known at all, had not Brown their leader written a pamphlet, wherein, as it came into his head, he inveighed more against logic and rhetoric, than against the state of the church, which writing was much read; and had not also one Barrow, being a gentleman of a good house, but one that lived in London at ordinaries, and there learned to argue in table-talk, and so was very much known in the city and abroad, made a leap from a vain and libertine youth, to a preciseness in the highest degree; the strangeness of which alteration made him very much spoken of; the matter might long before have breathed out. And here I note an honesty and discretion in the libeller, which I note no where else; in that he did forbear to lay to our charge the sect of the Family of Love; for, about twelve years since, there was creeping in, in some secret places of the realm, indeed a very great heresy derived from the Dutch, and named as was before said; which since, by the good blessing of God, and by the good strength of our church, is banished and extinct. But so much we see, that the diseases wherewith our church hath been visited, whatsoever these men say, have either not been malign and dangerous, or else they have been as blisters in some small ignoble part of the body, which have soon after fallen and gone away. For such also was the phrenetical and fanatical, for I mean not to determine it, attempt of Hacket, who must needs have been thought a very dangerous heretic, that could never get but two disciples; and those, as it should seem, perished in their brain: and a dangerous commotioner, that in so great and populous a city as London is, could draw but those same two fellows, whom the people rather laughed at as a may-game, than took any heed of what they did or said: so as it was very true that an honest poor woman said when she saw Hacket out of a window pass to his execution; said she to herself, "It was foretold that in the latter days there should come those that have deceived many; but in faith thou hast deceived but few."

But it is manifest untruth which the libeller setteth down, that there hath been no punishment done upon those which in any of the foresaid kinds have broken the laws, and disturbed the church and state; and that the edge of the law hath been only turned upon the pretended catholics: for the examples are very many, where, according to the nature and degree of the offence, the correction of such offenders hath not been neglected.

These be the great confusions whereof he hath accused our church, which I refer to the judgment of an indifferent and understanding person, how true they be: my meaning is not to blanch or excuse any fault of our church; nor on the other side to enter into commemoration, how flourishing it is in great and learned divines, or painful and excellent preachers; let men have the reproof of that which is amiss, and God the glory of that which is good. And so much for the first branch.

Concerning the foreign enemies of this state.

In the second branch, he maketh great musters and shows of the strength and multitude of the enemies of this state; declaring in what evil terms and correspondence we stand with foreign states, and how desolate and destitute we are of friends and confederates; doubting belike, how he should be able to prove and justify his assertion touching the present miseries, and therefore endeavouring at the least to maintain, that the good estate which we enjoy, is yet made somewhat bitter by reason of many terrors and fears. Whereupon entering into consideration of the security, wherein not by our own policy, but by the good providence and protection of God, we stand at this time, I do find it to be a security of that nature and kind, which Iphicrates the Athenian did commend; who being a commissioner to treat with the state of Sparta upon conditions of peace, and hearing the other side make many propositions touching security, interrupted them and told them, there was but one manner of security whereupon the Athenians could rest; which was, if the deputies of the Lacedæmonians could make it plain unto them, that, after these and these things parted withal, the Lacedæmonians should not be able to hurt them though they would. So it is with us, as we have not justly provoked the hatred or enmity of any other state, so howsoever that be, I know not at this time the enemy that hath the power to offend us though he had the will.

And whether we have given just cause of quarrel or offence, it shall be afterwards touched in the fourth article, touching the true causes of the disturbance of the quiet of christendom, as far as it is fit to justify the actions of so high a prince upon the

occasion of such a libel as this. But now concerning the power and forces of any enemy, I do find that England hath sometimes apprehended with jealousy the confederation between France and Scotland; the one being upon the same continent that we are, and breeding a soldier of puissance and courage, not much differing from the English: the other a kingdom very opulent, and thereby able to sustain wars, though at very great charge; and having a brave nobility; and being a near neighbour. And yet of this conjunction there never came any offence of moment: but Scotland was ever rather used by France as a diversion of an English invasion upon France, than as a commodity of a French invasion upon England. I confess also, that since the unions of the kingdom of Spain, and during the time the kingdom of France was in his entire, a conjunction of those two potent kingdoms against us might have been of some terror to us. But now it is evident, that the state of France is such as both those conjunctions are become impossible: it resteth that either Spain with Scotland should offend us, or Spain alone. For Scotland, thanks be to God, the amity and intelligence is so sound and secret between the two crowns, being strengthened by consent in religion, nearness of blood, and continual good offices reciprocally on either side, as the Spaniard himself, in his own plot, thinketh it easier to alter and overthrow the present state of Scotland than to remove and divide it from the amity of England. So as it must be Spain alone that we should fear, which should seem, by reason of its spacious dominions, to be a great overmatch. The conceit whereof maketh me call to mind the resemblance of an ancient writer in physic; who, labouring to persuade that a physician should not doubt sometimes to purge his patient, though he seem very weak, entereth into a distinction of weakness; and saith, there is a weakness of spirit, and a weakness of body; the latter whereof he compareth unto a man that were otherwise very strong, but had a great pack on his neck, so great as made him double again, so as one might thrust him down with his finger: which similitude and distinction both may be fitly applied to matter of state; for some states are weak through want of means, and some weak through excess of burthen; in which rank I do place the state of Spain, which having out-compassed itself in embracing too much; and being itself but a barren seed-plot of soldiers, and much decayed and exhausted of men by the Indies, and by continual wars; and as to the state of their treasure, being indebted and engaged before such times as they waged so great forces in France, and therefore much more since, is not in brief an enemy to be feared by a nation seated, manned, furnished, and policed as is England.

Neither is this spoken by guess, for the experience was substantial enough, and of fresh memory in the late enterprise of Spain upon England: what time all that goodly shipping, which in that voyage was consumed, was complete; what time his forces in the Low Countries were also full and entire, which now are wasted to a fourth part; what time also he was not entangled with the matters of France, but was rather like to receive assistance than impediment from his friends there, in respect of the great vigour wherein the league then was, while the duke of Guise then lived; and yet nevertheless this great preparation passed away like a dream. The invincible navy neither took any one barque of ours, neither yet once offered to land: but after they had been well beaten and chased, made a perambulation about the northern seas; ennobling many coasts with wrecks of mighty ships; and so returned home with greater derision than they set forth with expectation.

So as we shall not need much confederacies and succours, which he saith we want for breaking of the Spanish invasion, no, though the Spaniard should nestle in Britain, and supplant the French, and get some port-towns into their hands there, which is yet far off, yet shall he never be so commodiously seated to annoy us, as if he had kept the Low Countries: and we shall rather fear him as a wrangling neighbour, that may trespass now and then upon some straggling ships of ours, than as an invader. And as for our confederacies, God hath given us both means and minds to tender and relieve the states of others; and therefore our confederacies are rather of honour than such as we depend upon. And yet nevertheless the apostates and huguenots of France on the one part, for so he termeth the whole nobility in a manner of France, among the which a great part is of his own religion; which maintain the clear and unblemished title of their lawful and natural king against the seditious populace, and the beer-brewers and basket-makers of Holland and Zealand, as he also terms them, on the other, have almost bandied away between them all the duke of Parma's forces; and I suppose the very mines of the Indies will go low, or ever the one be ruined, or the other recovered. Neither again desire we better confederacies and leagues than Spain itself hath provided for us: "Non enim verbis fœdera confirmantur, sed iisdem utilitatibus." We know to how many states the king of Spain is odious and suspected; and for ourselves we have incensed none by our injuries, nor made any jealous of our ambition: these are in rules of policy the firmest contracts.

Let thus much be said in answer of the second branch, concerning the number of exterior enemies: wherein my meaning is nothing less than to attribute our felicity to our policy; or to nourish ourselves in the humour of security. But I hope we shall depend upon God and be vigilant; and then it will be seen to what end these false alarms will come.

In the third branch of the miseries of England, he taketh upon him to play the prophet, as he hath in all the rest played the poet; and will needs divine or prognosticate the great troubles whereunto this realm shall fall after her Majesty's times; as if he that hath so singular a gift in lying of the present time and times past, had nevertheless an extraordinary grace in telling truth of the time to come; or, as if the effect of the pope's curses of England were

upon better advice adjourned to those days. It is true, it will be misery enough for this realm, whenever it shall be, to lose such a sovereign: but for the rest, we must repose ourselves upon the good pleasure of God. So it is an unjust charge in the libeller to impute an accident of state to the fault of the government.

It pleaseth God sometimes, to the end to make men depend upon him the more, to hide from them the clear sight of future events; and to make them think that full of uncertainties which proveth certain and clear: and sometimes, on the other side, to cross men's expectations, and to make them full of difficulty and perplexity in that which they thought to be easy and assured. Neither is it any new thing for the titles of succession in monarchies to be at times less or more declared. King Sebastian of Portugal, before his journey into Africk, declared no successor. The cardinal, though he were of extreme age, and were much importuned by the king of Spain, and knew directly of six or seven competitors to that crown, yet he rather established I know not what interims, than decided the titles, or designed any certain successor. The dukedom of Ferrara is at this day, after the death of the prince that now liveth, uncertain in the point of succession: the kingdom of Scotland hath declared no successor. Nay, it is very rare in hereditary monarchies, by any act of state, or any recognition or oath of the people in the collateral line, to establish a successor. The duke of Orleans succeeded Charles VIII. of France, but was never declared successor in his time. Monsieur d'Angoulesme also succeeded him, but without any designation. Sons of kings themselves oftentimes, through desire to reign and to prevent their time, wax dangerous to their parents: how much more cousins in a more remote degree! It is lawful, no doubt, and honourable, if the case require, for princes to make an establishment: but, as it was said, it is rarely practised in the collateral line. Trajan, the best emperor of Rome, of a heathen, that ever was, at what time the emperors did use to design successors, not so much to avoid the uncertainty of succession, as to the end, to have participes curarum for the present time, because their empire was so vast; at what time also adoptions were in use, and himself had been adopted; yet never designed a successor, but by his last will and testament, which also was thought to be suborned by his wife Plotina in the favour of her lover Adrian.

You may be sure that nothing hath been done to prejudice the right; and there can be but one right. But one thing I am persuaded of, that no king of Spain, nor bishop of Rome, shall umpire, or promote any beneficiary, or feodatory king, as they designed to do; even when the Scots queen lived, whom they pretended to cherish. I will not retort the matter of succession upon Spain, but use that modesty and reverence, that belongeth to the majesty of so great a king, though an enemy. And so much for this third branch.

The fourth branch he maketh to be touching the overthrow of the nobility and the oppression of the people: wherein though he may, percase, abuse the simplicity of any foreigner; yet to an Englishman, or any that heareth of the present condition of England, he will appear to be a man of singular audacity, and worthy to be employed in the defence of any paradox. But surely if he would needs have defaced the general state of England, at this time, he should in wisdom rather have made some friarly declamation against the excess of superfluity and delicacy of our times, than to have insisted upon the misery and poverty and depopulation of the land, as may sufficiently appear by that which hath been said.

Concerning the state of the nobility.

But nevertheless, to follow this man in his own steps: first, concerning the nobility; it is true, that there have been in ages past, noblemen, as I take it, both of greater possessions and of greater command and sway than any are at this day. One reason why the possessions are less, I conceive to be, because certain sumptuous veins and humours of expense, as apparel, gaming, maintaining of a kind of followers, and the like, do reign more than they did in times past. Another reason is, because noblemen now-a-days do deal better with their younger sons than they were accustomed to do heretofore, whereby the principal house receiveth many abatements. Touching the command, which is not indeed so great as it hath been, I take it rather to be a commendation of the time than otherwise: for men were wont factiously to depend upon noblemen, whereof ensued many partialities and divisions, besides much interruption of justice, while the great ones did seek to bear out those that did depend upon them. So as the kings of this realm, finding long since that kind of commandment in noblemen unsafe unto their crown, and inconvenient unto their people, thought meet to restrain the same by provision of laws; whereupon grew the statute of retainers; so as men now depend upon the prince and the laws, and upon no other; a matter which hath also a congruity with the nature of the time, as may be seen in other countries; namely, in Spain, where their grandees are nothing so potent and so absolute as they have been in times past. But otherwise it may be truly affirmed, that the rights and pre-eminences of the nobility were never more duly and exactly preserved unto them, than they have been in her Majesty's time; the precedence of knights given to the younger sons of barons; no subpœnas awarded against the nobility out of the chancery, but letters; no answer upon oath, but upon honour: besides a number of other privileges in parliament, court, and country. So likewise for the countenance of her Majesty and the state, in lieutenancies, commissions, offices, and the like, there was never a more honourable and graceful regard had of the nobility; neither was there ever a more faithful remembrancer and exacter of all these particular pre-eminences unto them; nor a more diligent searcher and register of their pedigrees, alliances, and all memorials of honour, than that man whom he chargeth to have overthrown the nobility; because a few of them by immoderate expense are decayed, according to the humour of the time, which he hath not been able to

esist, no not in his own house. And as for attainders, there have been in thirty-five years but five of any of the nobility, whereof but two came to execution; and one of them was accompanied with restitution of blood in the children: yea, all of them, except Westmoreland, were such, as whether it were by favour of law or government, their heirs have, or are like to have, a great part of their possessions. And so much for the nobility.

Touching the oppression of the people, he mentioneth four points.

1. The consumption of people in the wars.
2. The interruption of traffic.
3. The corruption of justice.

Concerning the state of the common subject.

4. The multitude of taxations. Unto all which points there needeth no long speech. For the first, thanks be to God, the benediction of "Crescite" and "Multiplicamini," is not so weak upon this realm of England, but the population thereof may afford such loss of men as were sufficient for the making our late wars, and were in a perpetuity, without being seen either in city or country. We read, that when the Romans did take cense of their people, whereby the citizens were numbered by the poll in the beginning of a great war; and afterwards again at the ending, there sometimes wanted a third part of the number: but let our muster-books be perused, those, I say, that certify the number of all fighting men in every shire, in vicesimo of the queen; at what time, except a handful of soldiers in the Low Countries, we expended no men in the wars; and now again, at this present time, and there will appear small diminution. There be many tokens in this realm rather of press and surcharge of people, than of want and depopulation, which were before recited. Besides, it is a better condition of inward peace to be accompanied with some exercise of no dangerous war in foreign parts, than to be utterly without apprentisage of war, whereby people grow effeminate and unpractised when occasion shall be. And it is no small strength unto the realm, that in these wars of exercise and not of peril, so many of our people are trained, and so many of our nobility and gentlemen have been made excellent leaders both by sea and land. As for that he objecteth, we have no provision for soldiers at their return; though that point hath not been altogether neglected, yet I wish with all my heart, that it were more ample than it is: though I have read and heard, that in all estates, upon cashiering and disbanding of soldiers, many have endured necessity.

For the stopping of traffic, as I referred myself to the muster-books for the first, so I refer myself to the custom-books upon this, which will not lie, and do make demonstration of no abatement at all in these last years, but rather of rising and increase. We know of many in London and other places that are within a small time greatly come up and made rich by merchandising: and a man may speak within his compass, and affirm, that our prizes by sea have countervailed any prizes upon us.

And as to the justice of this realm, it is true, that cunning and wealth have bred many suits, and debates in law. But let those points be considered: th integrity and sufficiency of those which supply th judicial places in the queen's courts; the good law that have been made in her Majesty's time again informers and promoters, and for the bettering trials; the example of severity which is used the star-chamber, in oppressing forces and fraud the diligence and stoutness that is used by justic of assizes, in encountering all countenancing a bearing of causes in the country, by their authoriti and wisdom; the great favours that have been us towards copyholders and customary tenants, whic were in ancient times merely at the discretion a mercy of the lord, and are now continually relieve from hard dealing, in chancery and other courts equity: I say, let these and many other points considered, and men will worthily conceive an h nourable opinion of the justice of England.

Now to the points of levies and distributions money, which he calleth exactions. First, ve coldly, he is not abashed to bring in the gatheri for Paul's steeple and the lottery trifles: where the former, being but a voluntary collection of th men were freely disposed to give, never grew to great a sum as was sufficient to finish the work f which it was appointed: and so I imagine, it w converted into some other use; like to that gatheri which was for the fortifications of Paris; save th the gathering for Paris came to a much greate though, as I have heard, no competent sum. A for the lottery, it was but a novelty devised and fo lowed by some particular persons, and only allowe by the state, being as a gain of hazard; wherein any gain was, it was because many men though scorn, after they had fallen from their greater hope to fetch their odd money. Then he mentioned loans and privy seals: wherein he showeth gre ignorance and indiscretion, considering the payment back again have been very good and certain, a much for her Majesty's honour. Indeed, in othe princes' times it was not wont to be so. And there fore, though the name be not so pleasant, yet th use of them in our times have been with small grie ance. He reckoneth also new customs upon cloth and new impost upon wines. In that of cloths, h is deceived; for the ancient rate of custom upo cloths was not raised by her Majesty, but by quee Mary, a catholic queen: and hath been commonly continued by her Majesty; except he mean the com putation of the odd yards, which in strict duty wa ever answerable, though the error were but lately looked into, or rather the toleration taken away. And to that of wines, being a foreign merchandise, and but a delicacy, and of those which might be forborne, there hath been some increase of imposition, which can rather make the price of wine higher, than the merchant poorer. Lastly, touching the number of subsidies, it is true, that her Majesty, in respect of the great charges of her wars, both by sea and land, against such a lord of treasure as is the king of Spain; having for her part no Indies nor mines, and the revenues of the crown of England being such, as they less grate upon the people than the revenues of any crown or state in Europe, hath

by the assent of parliament, according to the ancient customs of this realm, received divers subsidies of her people, which as they have been employed upon the defence and preservation of the subject, not upon excessive buildings, nor upon immoderate donatives, nor upon triumphs and pleasures; or any the like veins of dissipation of treasure, which have been familiar to many kings: so have they been yielded with great good-will and cheerfulness, as may appear by other kinds of benevolence, presented to her likewise in parliament; which her Majesty nevertheless hath not put in ure. They have been taxed also and assessed with a very light and gentle hand; and they have been spared as much as may be, as may appear in that her Majesty now twice, to spare the subject, hath sold of her own lands. But he that shall look into other countries, and consider the taxes, and talliages, and impositions, and assizes, and the like, that are every where in use, will find that the Englishman is the most master of his own valuation, and the least bitten in his purse of any nation of Europe. Nay even at this instant in the kingdom of Spain, notwithstanding the pioneers do still work in the Indian mines, the Jesuits most play the pioneers, and mine into the Spaniards' purses; and, under the colour of a ghostly exhortation, contrive the greatest exaction that ever was in any realm.

Thus much in answer of these calumniations I have thought good to note touching the present state of England; which state is such, that whosoever hath been an architect in the frame thereof, under the blessing of God, and the virtues of our sovereign, needed not to be ashamed of his work.

III. Of the proceedings against the pretended catholics, whether they have been violent, or moderate and necessary.

I find her Majesty's proceedings generally to have been grounded upon two principles: the one,

That consciences are not to be forced, but to be won and reduced by the force of truth, by the aid of time, and the use of all good means of instruction or persuasion: the other,

That causes of conscience when they exceed their bounds, and prove to be matter of faction, lose their nature: and that sovereign princes ought distinctly to punish the practice or contempt, though coloured with the pretences of conscience and religion.

According to these two principles, her Majesty, at her coming to the crown, utterly disliking of the tyranny of the church of Rome, which had used by terror and rigour to seek commandment over men's faiths and consciences; although as a prince of great wisdom and magnanimity, she suffered but the exercise of one religion, yet her proceedings towards the papists were with great lenity, expecting the good effects which time might work in them.

And therefore her Majesty revived not the laws made in 28, and 35, of her father's reign, whereby the oath of supremacy might have been offered at the king's pleasure to any subject, though he kept his conscience never so modestly to himself; and the refusal to take the same oath, without farther circumstance, was made treason: but contrariwise, her Majesty not liking to make windows into men's hearts and secret thoughts, except the abundance of them did overflow into overt and express acts and affirmations, tempered her law so, as it restraineth only manifest disobedience in impugning and impeaching advisedly and ambitiously her Majesty's supreme power, and maintaining and extolling a foreign jurisdiction. And as for the oath, it was altered by her Majesty into a more grateful form; the harshness of the name and appellation of supreme head was removed; and the penalty of the refusal thereof turned into a disablement to take any promotion, or to exercise any charge; and yet that with a liberty of being revested therein, if any man shall accept thereof during his life.

But after many years toleration of a multitude of factious papists, when Pius Quintus had excommunicated her Majesty, and the bill of excommunication was published in London, whereby her Majesty was in a sort proscribed, and all her subjects drawn upon pain of damnation from her obedience; and that thereupon, as upon a principal motive or preparative, followed the rebellion in the north; yet notwithstanding, because many of those evil humours were by that rebellion partly purged, and that she feared at that time no foreign invasion, and much less the attempts of any within the realm not backed by some foreign succours from without; she contented herself to make a law against that special case of bringing in, or publishing of bulls or the like instruments; whereunto was added a prohibition, not upon pain of treason, but of an inferior degree of punishment, against bringing in of Agnus Dei's, hallowed beads, and such other merchandise of Rome, as are well known not to be any essential part of the Roman religion, but only to be used in practice as love-tokens, to enchant and bewitch the people's affections from their allegiance to their natural sovereign. In all other points her Majesty continued her former lenity.

But when, about the twentieth year of her reign, she had discovered in the king of Spain an intention to invade her dominions, and that a principal point of the plot was to prepare a party within the realm that might adhere to the foreigner; and that the seminaries began to blossom and to send forth daily priests and professed men, who should by vow, taken at shrift, reconcile her subjects from her obedience; yea, and bind many of them to attempt against her Majesty's sacred person; and that, by the poison they spread, the humours of most papists were altered, and that they were no more papists in custom, but papists in treasonable faction: then were there new laws made for the punishment of such as should submit themselves to reconcilements or renunciations of obedience. For it is to be understood, that this manner of reconcilement in confession, is of the same nature and operation that the bull itself was of, with this only difference, that whereas the bull assoiled the subjects from their obedience at once, the other doth it one by one. And therefore it is both more secret, and more insinuative into the conscience, being joined with no less matter than an

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absolution from mortal sin. And because it was a treason carried in the clouds, and in wonderful secrecy, and came seldom to light; and that there was no presumption thereof so great as the recusants to come to divine service, because it was set down by their decrees, that to come to church before reconcilement was to live in schism; but to come to church after reconcilement, was absolutely heretical and damnable: therefore there were added new laws, containing a punishment pecuniary against the recusants, not to enforce consciences, but to enfeeble those of whom it rested indifferent and ambiguous, whether they were reconciled or no. For there is no doubt, but if the law of recusancy, which is challenged to be so extreme and rigorous, were thus qualified, that any recusant that shall voluntarily come in and take his oath, that he or she were never reconciled, should immediately be discharged of the penalty and forfeiture of the law; they would be so far from liking well of that mitigation, as they would cry out it was made to entrap them. And when, notwithstanding all this provision, this poison was dispersed so secretly, as that there were no means to stay it, but to restrain the merchants that brought it in; then was there lastly added a law, whereby such seditious priests of the new erection were exiled; and those that were at that time within the land shipped over, and so commanded to keep hence upon pain of treason.

This hath been the proceeding with that sort, though intermingled not only with sundry examples of her Majesty's grace, towards such as in her wisdom she knew to be papists in conscience, and not in faction; but also with an extraordinary mitigation towards the offenders in the highest degree convicted by law, if they would protest, that in case this realm should be invaded with a foreign army, by the pope's authority, for the catholic cause, as they term it, they would take part with her Majesty, and not adhere to her enemies.

And whereas he saith no priest dealt in matter of state, Ballard only excepted; it appeareth by the records of the confession of the said Ballard, and sundry other priests, that all priests at that time generally were made acquainted with the invasion then intended, and afterwards put in act; and had received instructions not only to move an expectation in the people of a change, but also to take their vows and promises in shrift to adhere to the foreigner; insomuch that one of their principal heads vaunted himself in a letter of the device, saying, that it was a point the counsel of England would never dream of, who would imagine that they should practise with some nobleman to make him head of their faction; whereas they took a course only to deal with the people, and them so severally, as any one apprehended should be able to appeal no more than himself, except the priests, who he knew would reveal nothing that was uttered in confession: so innocent was this princely, priestly function, which this man taketh to be but a matter of conscience, and thinketh it reason it should have free exercise throughout the land.

IV. Of the disturbance of the quiet of christendom and to what causes it may be justly assigned.

It is indeed a question, which those that loo into matters of state do well know to fall out ver often; though this libeller seemeth to be more igno rant thereof, whether the ambition of the mo mighty state, or the jealousy of the less mighty stat is to be charged with breach of amity. Hereof there may be many examples, so there is one proper unto the present matter, as though it we many years since, yet it seemeth to be a parable these times, and namely of the proceedings of Spa and England.

The states then, which answered to these tw now, were Macedon and Athens. Consider there fore the resemblance between the two Philips, Macedon and Spain: he of Macedon aspired to th monarchy of Greece, as he of Spain doth of Europ but more apparently than the first, because th design was discovered in his father Charles V. as so left him by descent; whereas Philip of Maced was the first of the kings of that nation which fix so great conceits in his breast. The course whic this king of Macedon held was not so much by gre armies and invasions, though these wanted not whe the case required, but by practice, by sowing of fa tions in states, and by obliging sundry particula persons of greatness. The state of opposition again his ambitious proceedings was only the state Athens, as now is the state of England again Spain. For Lacedæmon and Thebes were bo low, as France is now; and the rest of the states Greece were, in power and territories, far inferio The people of Athens were exceedingly affected peace, and weary of expense. But the point whic I chiefly make the comparison, was that of the ora tors, which were as counsellors to a popular state such as were sharpest sighted, and looked deepe into the projects and spreading of the Macedonian doubting still that the fire, after it licked up th neighbour states, and made itself opportunity to pas would at last take hold of the dominions of Athen with so great advantages, as they should not be abl to remedy it, were ever charged both by th declarations of the king of Macedon, and by th imputation of such Athenians as were corrupted be of his faction, as the kindlers of troubles, an disturbers of the peace and leagues: but as th party was in Athens too mighty, so as it discount nanced the true counsels of the orators, and so bro the ruin of that state, and accomplished the ends that Philip: so it is to be hoped that in a mon archy, where there are commonly better intelligence and resolutions than in a popular state, those plot as they are detected already, so they will be resist and made frustrate.

But to follow the libeller in his own course; th sum of that which he delivereth concerning the im putation, as well of the interruption of the amit between the crowns of England and of Spain, as th disturbance of the general peace of christendom, mot the English proceedings, and not to the ambitious appetites of Spain, may be reduced into three points

1. Touching the proceeding of Spain and England towards their neighbour state.

2. Touching the proceeding of Spain and England between themselves.

3. Touching the articles and conditions which it pleaseth him, as it were in the behalf of England, to pen and propose for the treating and concluding of a universal peace.

In the first he discovereth how the king of Spain never offered molestation, neither unto the states of Italy, upon which he confineth by Naples and Milan; neither unto the states of Germany, unto whom he confineth by a part of Burgundy and the Low Countries; nor unto Portugal, till it was devolved to him in title, upon which he confineth by Spain; but contrariwise, as one that had in precious regard the peace of christendom, he designed from the beginning to turn his whole forces upon the Turk. Only he confesseth, that agreeable to his devotion, which apprehended as well the purging of christendom from heresies, as the enlarging thereof upon the infidels, he was ever ready to give succours unto the French kings against the Huguenots, especially being their own subjects: whereas, on the other side, "England, as he affirmeth, hath not only sowed troubles and dissensions in France and Scotland, the one their neighbour upon the continent, the other divided only by the narrow seas, but also hath actually invaded both kingdoms. For as for the matters of the Low Countries, they belong to the dealings which have passed by Spain."

In answer whereof, it is worthy the consideration how it pleased God in that king to cross one passion by another; and namely, that passion which might have proved dangerous unto all Europe, which was his ambition, by another which was only hurtful to himself and his own, which was wrath and indignation towards his subjects of the Netherlands. For after that he was settled in his kingdom, and freed from some fear of the Turk, revolving his father's design in aspiring to the monarchy of Europe, casting his eye principally upon the two potent kingdoms of France and England; and remembering how his father had once promised unto himself the conquest of the one; and how himself by marriage had lately had some possession of the other; and seeing that diversity of religion was entered into both these realms; and that France was fallen unto princes weak, and in minority; and England unto the government of a lady, in whom he did not expect that policy of government, magnanimity, and felicity, which since he hath proved, concluded, as the Spaniards are great waiters upon time, and ground their plots deep, upon two points; the one to profess an extraordinary patronage and defence of the Roman religion, making account thereby to have factions in both kingdoms: in England a faction directly against the state; in France a faction that did consent indeed in religion with the king, and therefore at first show should seem unproper to make a party for a foreigner. But he foresaw well enough that the king of France should be forced, to the end to retain peace and obedience, to yield in some things to those of the religion, which would undoubtedly alienate the fiery and more violent sort of papists; which preparation in the people, added to the ambition of the family of Guise, which he nourished for an instrument, would in the end make a party for him against the state, as since it proved, and might well have done long before, as may well appear by the mention of league and associations, which is above twenty-five years old in France.

The other point he concluded upon, was, that his Low Countries was the aptest place both for ports and shipping, in respect of England, and for situation in respect of France, having goodly frontier towns upon that realm, and joining also upon Germany, whereby they might receive in at pleasure any forces of Almaigns, to annoy and offend either kingdom. The impediment was the inclination of the people, which, receiving a wonderful commodity of trades out of both realms, especially of England; and having been in ancient league and confederacy with our nation, and having been also homagers unto France, he knew would be in no wise disposed to either war: whereupon he resolved to reduce them to a martial government, like unto that which he had established in Naples and Milan; upon which suppression of their liberties ensued the defection of those provinces. And about the same time the reformed religion found entrance in the same countries; so as the king, inflamed with the resistance he found in the first part of his plots, and also because he might not dispense with his other principle in yielding to any toleration of religion; and withal expecting a shorter work of it than he found, became passionately bent to reconquer those countries; wherein he hath consumed infinite treasure and forces. And this is the true cause, if a man will look into it, that hath made the king of Spain so good a neighbour; namely, that he was so entangled with the wars of the Low Countries as he could not intend any other enterprise. Besides, in enterprising upon Italy, he doubted first the displeasure of the see of Rome, with whom he meant to run a course of strait conjunction; also he doubted it might invite the Turk to return. And for Germany, he had a fresh example of his father, who, when he had annexed unto the dominions which he now possesseth, the empire of Almaign, nevertheless sunk in that enterprise; whereby he perceived that the nation was of too strong a composition for him to deal withal: though not long since, by practice, he could have been contented to snatch up in the East the country of Embden. For Portugal, first, the kings thereof were good sons to the see of Rome; next, he had no colour of quarrel or pretence; thirdly, they were officious unto him: yet if you will believe the Genoese, who otherwise writeth much to the honour and advantage of the kings of Spain, it seemeth he had a good mind to make himself a way into that kingdom, seeing that for that purpose, as he reporteth, he did artificially nourish the young king Sebastian in the voyage of Africk, expecting that overthrow which followed.

As for his intention to war upon the infidels and Turks, it maketh me think what Francis Guicciardine, a wise writer of history, speaketh of his great

absolution from mortal sin. And because it was a treason carried in the clouds, and in wonderful secrecy, and came seldom to light; and that there was no presumption thereof so great as the recusants to come to divine service, because it was set down by their decrees, that to come to church before reconcilement was to live in schism; but to come to church after reconcilement, was absolutely heretical and damnable: therefore there were added new laws, containing a punishment pecuniary against the recusants, not to enforce consciences, but to enfeeble those of whom it rested indifferent and ambiguous, whether they were reconciled or no. For there is no doubt, but if the law of recusancy, which is challenged to be so extreme and rigorous, were thus qualified, that any recusant that shall voluntarily come in and take his oath, that he or she were never reconciled, should immediately be discharged of the penalty and forfeiture of the law; they would be so far from liking well of that mitigation, as they would cry out it was made to entrap them. And when, notwithstanding all this provision, this poison was dispersed so secretly, as that there were no means to stay it, but to restrain the merchants that brought it in; then was there lastly added a law, whereby such seditious priests of the new erection were exiled; and those that were at that time within the land shipped over, and so commanded to keep hence upon pain of treason.

This hath been the proceeding with that sort, though intermingled not only with sundry examples of her Majesty's grace, towards such as in her wisdom she knew to be papists in conscience, and not in faction; but also with an extraordinary mitigation towards the offenders in the highest degree convicted by law, if they would protest, that in case this realm should be invaded with a foreign army, by the pope's authority, for the catholic cause, as they term it, they would take part with her Majesty, and not adhere to her enemies.

And whereas he saith no priest dealt in matter of state, Ballard only excepted; it appeareth by the records of the confession of the said Ballard, and sundry other priests, that all priests at that time generally were made acquainted with the invasion then intended, and afterwards put in act; and had received instructions not only to move an expectation in the people of a change, but also to take their vows and promises in shrift to adhere to the foreigner; insomuch that one of their principal heads vaunted himself in a letter of the device, saying, that it was a point the counsel of England would never dream of, who would imagine that they should practise with some nobleman to make him head of their faction; whereas they took a course only to deal with the people, and them so severally, as any one apprehended should be able to appeal no more than himself, except the priests, who he knew would reveal nothing that was uttered in confession: so innocent was this princely, priestly function, which this man taketh to be but a matter of conscience, and thinketh it reason it should have free exercise throughout the land.

IV. Of the disturbance of the quiet of christendom; and to what causes it may be justly assigned.

It is indeed a question, which those that look into matters of state do well know to fall out very often; though this libeller seemeth to be more ignorant thereof, whether the ambition of the more mighty state, or the jealousy of the less mighty state, is to be charged with breach of amity. Hereof as there may be many examples, so there is one so proper unto the present matter, as though it were many years since, yet it seemeth to be a parable of these times, and namely of the proceedings of Spain and England.

The states then, which answered to these two now, were Macedon and Athens. Consider therefore the resemblance between the two Philips, of Macedon and Spain: he of Macedon aspired to the monarchy of Greece, as he of Spain doth of Europe; but more apparently than the first, because that design was discovered in his father Charles V. and so left him by descent; whereas Philip of Macedon was the first of the kings of that nation which fixed so great conceits in his breast. The course which this king of Macedon held was not so much by great armies and invasions, though these wanted not when the case required, but by practice, by sowing of factions in states, and by obliging sundry particular persons of greatness. The state of opposition against his ambitious proceedings was only the state of Athens, as now is the state of England against Spain. For Lacedæmon and Thebes were both low, as France is now; and the rest of the states of Greece were, in power and territories, far inferior. The people of Athens were exceedingly affected to peace, and weary of expense. But the point which I chiefly make the comparison, was that of the orators, which were as counsellors to a popular state; such as were sharpest sighted, and looked deepest into the projects and spreading of the Macedonians, doubting still that the fire, after it licked up the neighbour states, and made itself opportunity to pass, would at last take hold of the dominions of Athens with so great advantages, as they should not be able to remedy it, were ever charged both by the declarations of the king of Macedon, and by the imputation of such Athenians as were corrupted to be of his faction, as the kindlers of troubles, and disturbers of the peace and leagues: but as that party was in Athens too mighty, so as it discountenanced the true counsels of the orators, and so bred the ruin of that state, and accomplished the ends of that Philip: so it is to be hoped that in a monarchy, where there are commonly better intelligences and resolutions than in a popular state, those plots, as they are detected already, so they will be resisted and made frustrate.

But to follow the libeller in his own course; the sum of that which he delivereth concerning the imputation, as well of the interruption of the amity between the crowns of England and of Spain, as the disturbance of the general peace of christendom, unto the English proceedings, and not to the ambitious appetites of Spain, may be reduced into three points.

1. Touching the proceeding of Spain and England towards their neighbour state.

2. Touching the proceeding of Spain and England between themselves.

3. Touching the articles and conditions which it pleaseth him, as it were in the behalf of England, to pen and propose for the treating and concluding of a universal peace.

In the first he discovereth how the king of Spain never offered molestation, neither unto the states of Italy, upon which he confineth by Naples and Milan; neither unto the states of Germany, unto whom he confineth by a part of Burgundy and the Low Countries; nor unto Portugal, till it was devolved to him in title, upon which he confineth by Spain; but contrariwise, as one that had in precious regard the peace of christendom, he designed from the beginning to turn his whole forces upon the Turk. Only he confesseth, that agreeable to his devotion, which apprehended as well the purging of christendom from heresies, as the enlarging thereof upon the infidels, he was ever ready to give succours unto the French kings against the Huguenots, especially being their own subjects: whereas, on the other side, "England, as he affirmeth, hath not only sowed troubles and dissensions in France and Scotland, the one their neighbour upon the continent, the other divided only by the narrow seas, but also hath actually invaded both kingdoms. For as for the matters of the Low Countries, they belong to the dealings which have passed by Spain."

In answer whereof, it is worthy the consideration how it pleased God in that king to cross one passion by another; and namely, that passion which might have proved dangerous unto all Europe, which was his ambition, by another which was only hurtful to himself and his own, which was wrath and indignation towards his subjects of the Netherlands. For after that he was settled in his kingdom, and freed from some fear of the Turk, revolving his father's design in aspiring to the monarchy of Europe, casting his eye principally upon the two potent kingdoms of France and England; and remembering how his father had once promised unto himself the conquest of the one; and how himself by marriage had lately had some possession of the other; and seeing that diversity of religion was entered into both these realms; and that France was fallen unto princes weak, and in minority; and England unto the government of a lady, in whom he did not expect that policy of government, magnanimity, and felicity, which since he hath proved, concluded, as the Spaniards are great waiters upon time, and ground their plots deep, upon two points; the one to profess an extraordinary patronage and defence of the Roman religion, making account thereby to have factions in both kingdoms: in England a faction directly against the state; in France a faction that did consent indeed in religion with the king, and therefore at first show should seem unproper to make a party for a foreigner. But he foresaw well enough that the king of France should be forced, to the end to retain peace and obedience, to yield in some things to those of the religion, which would undoubtedly alienate the fiery and more violent sort of papists; which preparation in the people, added to the ambition of the family of Guise, which he nourished for an instrument, would in the end make a party for him against the state, as since it proved, and might well have done long before, as may well appear by the mention of league and associations, which is above twenty-five years old in France.

The other point he concluded upon, was, that his Low Countries was the aptest place both for ports and shipping, in respect of England, and for situation in respect of France, having goodly frontier towns upon that realm, and joining also upon Germany, whereby they might receive in at pleasure any forces of Almaigns, to annoy and offend either kingdom. The impediment was the inclination of the people, which, receiving a wonderful commodity of trades out of both realms, especially of England; and having been in ancient league and confederacy with our nation, and having been also homagers unto France, he knew would be in no wise disposed to either war: whereupon he resolved to reduce them to a martial government, like unto that which he had established in Naples and Milan; upon which suppression of their liberties ensued the defection of those provinces. And about the same time the reformed religion found entrance in the same countries; so as the king, inflamed with the resistance he found in the first part of his plots, and also because he might not dispense with his other principle in yielding to any toleration of religion; and withal expecting a shorter work of it than he found, became passionately bent to reconquer those countries; wherein he hath consumed infinite treasure and forces. And this is the true cause, if a man will look into it, that hath made the king of Spain so good a neighbour; namely, that he was so entangled with the wars of the Low Countries as he could not intend any other enterprise. Besides, in enterprising upon Italy, he doubted first the displeasure of the see of Rome, with whom he meant to run a course of strait conjunction; also he doubted it might invite the Turk to return. And for Germany, he had a fresh example of his father, who, when he had annexed unto the dominions which he now possesseth, the empire of Almaign, nevertheless sunk in that enterprise; whereby he perceived that the nation was of too strong a composition for him to deal withal: though not long since, by practice, he could have been contented to snatch up in the East the country of Embden. For Portugal, first, the kings thereof were good sons to the see of Rome; next, he had no colour of quarrel or pretence; thirdly, they were officious unto him: yet if you will believe the Genoese, who otherwise writeth much to the honour and advantage of the kings of Spain, it seemeth he had a good mind to make himself a way into that kingdom, seeing that for that purpose, as he reporteth, he did artificially nourish the young king Sebastian in the voyage of Africk, expecting that overthrow which followed.

As for his intention to war upon the infidels and Turks, it maketh me think what Francis Guicciardine, a wise writer of history, speaketh of his great

but patiently temporizing, expected the good effect which time might breed. And whensoever the states grew into extremities of despair, and thereby ready to embrace the offer of any foreigner, then would her Majesty yield them some relief of money, or permit some supply of forces to go over unto them; to the end, to interrupt such violent resolution: and still continued to mediate unto the king some just and honourable capitulations of grace and accord, such as whereby always should have been preserved unto him such interest and authority as he in justice could claim, or a prince moderately minded would seek to have. And this course she held interchangeably, seeking to mitigate the wrath of the king, and the despair of the countries, till such time as after the death of the duke of Anjou, into whose hands, according to her Majesty's prediction, but against her good liking, they had put themselves, the enemy pressing them, the United Provinces were received into her Majesty's protection: which was after such time, as the king of Spain had discovered himself, not only an implacable lord to them, but also a professed enemy unto her Majesty; having actually invaded Ireland, and designed the invasion of England. For it is to be noted, that the like offers which were then made unto her Majesty, had been made to her long before: but as long as her Majesty conceived any hope, either of making their peace, or entertaining her own with Spain, she would never hearken thereunto. And yet now, even at last, her Majesty retained a singular and evident proof to the world of her justice and moderation, in that she refused the inheritance and sovereignty of those goodly provinces; which by the states, with much instance, was pressed upon her; and being accepted, would have wrought greater contentment and satisfaction both to her people and theirs, being countries, for the site, wealth, commodity of traffic, affection to our nation, obedience of the subjects, well used, most convenient to have been annexed to the crown of England, and with all one charge, danger, and offence of Spain; only took upon her the defence and protection of their liberties; which liberties and privileges are of that nature, as they may justly esteem themselves but conditional subjects to the king of Spain, more justly than Arragon: and may make her Majesty as justly esteem the ancient confederacies and treaties with Burgundy to be of force rather with the people and nation, than with the line of the duke; because it was never an absolute monarchy. So as, to sum up her Majesty's proceedings in this great action, they have but this, that they have sought first to restore them to Spain, then to keep them from strangers, and never to purchase them to herself.

But during all that time, the king of Spain kept one tenor in his proceedings towards her Majesty, breaking forth more and more into injuries and contempts: her subjects trading into Spain have been many of them burned; some cast into the galleys; others have died in prison, without any other crimes committed, but upon quarrels picked upon them for their religion here at home. Her merchants, at the Mack of Antwerp, were divers of them spoiled and put to their ransoms, though they could not charged with any partaking; neither, upon complaint of Doctor Wilson and Sir Edward Horse could any redress be had. A general arrest made by the duke of Alva of Englishmen's bo goods and persons, upon pretence that certain shi stayed in this realm, laden with goods and mon of certain merchants of Genoa, belonged to that kin which money and goods was afterwards, to the termost value, restored and paid back; whereas men were far from receiving the like justice on th side. Dr. Man, her Majesty's ambassador, receive during his legation, sundry indignities; hims being removed out of Madrid, and lodged in a villa as they are accustomed to use the ambassadors Moors; his son and steward forced to assist a mass with tapers in their hands; besides sund other contumelies and reproaches. But the spoili or damnifying of a merchant, vexation of a comm subject, dishonour of an ambassador, were rath but demonstrations of ill disposition, than effects. they be compared with actions of state, wherein and his ministers have sought the overthrow of th government. As in the year 1569, when the bellion in the north part of England brake forth who but the duke of Alva, then the king's lieute ant in the Low Countries, and Don Guerres of Esp then his ambassador lieger here, were discover to be chief instruments and practisers; having co plotted with the duke of Norfolk at the same time, was proved at the same duke's condemnation, that army of twenty thousand men should have land at Harwich, in aid of that part, which the said du had made within the realm, and the said duke havin spent and employed one hundred and fifty thousan crowns in that preparation.

Not contented thus to have consorted and assist her Majesty's rebels in England, he procured rebellion in Ireland; arming and sending thither the year 1579 an arch-rebel of that country, Jam Fitz-Morrice, which before was fled. And truly speak, the whole course of molestation, which h Majesty hath received in that realm by the risin and keeping on of the Irish, hath been nourishe and fomented from Spain; but afterwards most ap parently, in the year 1580, he invaded the sam Ireland with Spanish forces, under an Italian colone by name San Josepho, being but the forerunne of a greater power; which by treaty between hi and the pope should have followed, but that by th speedy defeat of those former, they were discourage to pursue the action: which invasion was proved be done by the king's own orders, both by th letters of secretary Escovedo, and of Guerres to th king; and also by divers other letters, wherein th particular conferences were set down concerning thi enterprise between cardinal Riario the pope's legate and the king's deputy in Spain, touching the general the number of men, the contribution of money, and the manner of the prosecuting of the action, and by the confession of some of the chiefest of those that were taken prisoners at the fort; which act being an act of apparent hostility, added unto all the injuries aforesaid, and accompanied with a continual

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V. Of the cunning of the libeller, in palliation of his malicious invectives against her Majesty and the state, with pretence of taxing only the actions of the lord Burleigh.

I cannot rightly call this point cunning in the libeller, but rather good will to be cunning; without skill indeed or judgment: for finding that it hath been the usual and ready practice of seditious subjects to plant and bend their invectives and clamours, not against the sovereigns themselves, but against some such as had grace with them, and authority under them, he put in ure his learning in a wrong and unproper case. For this hath some appearance to cover undutiful invectives, when it is used against favourites or new upstarts, and sudden risen counsellors: but when it shall be practised against one that hath been counsellor before her Majesty's time, and hath continued longer counsellor than any other counsellor in Europe; one that must needs have been great if it were but by surviving alone, though he had no other excellence; one that hath passed the degrees of honour with great travel and long time, which quencheth always envy, except it be joined with extreme malice; then it appeareth manifestly to be but a brick-wall at tennis to make the defamation and hatred rebound from the counsellor upon the prince. And assuredly they be very simple to think to abuse the world with those shifts; since every child can tell the fable, that the wolf's malice was not to the shepherd, but to his dog. It is true, that these men have altered their tune twice or thrice: when the match was in treating with the duke of Anjou, they spake honey as to her Majesty; all the gall was uttered against the earl of Leicester: but when they had gotten heart upon expectation of the invasion, they changed style, and disclosed all the venom in the world immediately against her Majesty: what new hope hath made them return to their Sinon's note, in teaching Troy how to save

itself, I cannot tell. But in the mean time they do his lordship much honour: for the more despitefully they inveigh against his lordship, the more reason hath her Majesty to trust him, and the realm to honour him. It was wont to be a token of scarce a good liegeman when the enemy spoiled the country, and left any particular men's houses or fields unwasted.

VI. Certain true general notes upon the actions of the lord Burleigh.

But above all the rest, it is a strange fancy in the libeller that he maketh his lordship to be the primum mobile in every action without distinction; that to him her Majesty is accountant of her resolutions; that to him the earl of Leicester and Mr. Secretary Walsingham, both men of great power, and of great wit and understanding, were but as instruments: whereas it is well known, that as to her Majesty, there was never a counsellor of his lordship's long continuance that was so applicable to her Majesty's princely resolutions; endeavouring always, after faithful propositions and remonstrances, and these in the best words, and the most grateful manner, to rest upon such conclusions, as her Majesty in her own wisdom determineth, and them to execute to the best: so far hath he been from contestation, or drawing her Majesty into any his own courses. And as for the forenamed counsellors and others, with whom his lordship had consorted in her Majesty's service, it is rather true that his lordship, out of the greatness of his experience and wisdom, and out of the coldness of his nature, hath qualified generally all hard and extreme courses, as far as the service of her Majesty, and the safety of the state, and the making himself compatible with those with whom he served would permit: so far hath his lordship been from inciting others, or running a full course with them in that kind. But yet it is more strange that this man should be so absurdly malicious, as he should charge his lordship, not only with all actions of state, but also with all the faults and vices of the times; as if curiosity and emulation have bred some controversies in the church; though, thanks be to God, they extend but to outward things; as if wealth, and the cunning of wits, have brought forth multitudes of suits in law; as if excess in pleasures, and in magnificence, joined with the unfaithfulness of servants, and the greediness of monied men, have decayed the patrimony of many noblemen, and others; that all these, and such like conditions of the time, should be put on his lordship's account; who hath been, as far as to his place appertaineth, a most religious and wise moderator in church-matters to have unity kept; who with great justice hath despatched infinite causes in law that have orderly been brought before him: and for his own example, may say that which few men can say; but was sometimes said by Cephalus, the Athenian so much renowned in Plato's works; who having lived near to the age of a hundred years, and in continual affairs and business, was wont to say of himself; "That he never sued any, neither had been sued by any:" who by reason of his office hath preserved many great houses from overthrow, by relieving sundry extremities towards such as in their minority have been circumvented; and towards all such as his lordship might advise, did ever persuade sober and limited expense. Nay, to make proof farther of his contented manner of life, free from suits and covetousness; as he never sued any man, so did he never raise any rent, or put out any tenant of his own: nor ever gave consent to have the like done to any of the queen's tenants; matters singularly to be noted in this age.

But however, by this fellow, as in a false, artificial glass, which is able to make the best face deformed, his lordship's doings be set forth; yet let his proceedings, which be indeed his own, be indifferently weighed and considered; and let men call to mind, that his lordship was never a violent and transported man in matters of state, but ever respective and moderate; that he was never man in his particular a breaker of necks; no heavy enemy, but ever placable and mild; that he was never a brewer of holy water in court; no dallier, no abuser, but ever real and certain; that he was never a bearing man, nor carrier of causes, but ever gave way to justice and course of law; that he was never a glorious, wilful, proud man, but ever civil and familiar, and good to deal withal; that in the course of his service, he hath rather sustained the burden, than sought the fruition of honour or profit; scarcely sparing any time from his cares and travels to the sustentation of his health; that he never had, nor sought to have for himself and his children, any pennyworth of lands or goods that appertained to any attainted of any treason, felony, or otherwise; that he never had, or sought any kind of benefit by any forfeiture to her majesty; that he was never a factious commender of men, as he that intended any ways to besiege her, by bringing in men at his devotion; but was ever a true reporter unto her Majesty of every man's deserts and abilities; that he never took the course to unquiet or offend, no nor exasperate her Majesty, but to content her mind, and mitigate her displeasure; that he ever bare himself reverently and without scandal in matters of religion, and without blemish in his private course of life. Let men, I say, without passionate malice, call to mind these things, and they will think it reason, that though he be not canonized for a saint in Rome, yet he is worthily celebrated as "pater patriæ" in England, and though he be libelled against by fugitives, yet he is prayed for by a multitude of good subjects; and lastly, though he be envied whilst he liveth, yet he shall be deeply wanted when he is gone. And assuredly many princes have had many servants of trust, name, and sufficiency: but where there have been great parts, there hath often wanted temper of affection; where there have been both ability and moderation, there have wanted diligence and love of travail; where all three have been, there have sometimes wanted faith and sincerity; where some few have had all these four, yet they have wanted time and experience: but where there is a concurrence of all these, there is no marvel, though a prince of judgment be constant in the employment and trust of such a servant.

VII. Of divers particular untruths and abuses dispersed through the libel.

The order which this man keepeth in his libel, is such, as it may appear, that he meant but to empty some note-book of the matters of England, to bring in, whatsoever came of it, a number of idle jests, which he thought might fly abroad; and intended nothing less than to clear the matters he handled by the light of order and distinct writing. Having therefore in the principal points, namely, the second, third, and fourth articles, ranged his scattering and wandering discourse into some order, such as may help the judgment of the reader, I am now content to gather up some of his by-matters and straggling untruths, and very briefly to censure them.

Pag. 9. he saith, that his lordship could neither by the greatness of his beads, creeping to the cross, nor exterior show of devotion before the high altar, nor his entrance into high dignity in queen Mary's time. All which is a mere fiction at pleasure; for queen Mary bare that respect unto him, in regard of his constant standing for her title, as she desired to continue his service; the refusal thereof growing from his own part: he enjoyed nevertheless all other liberties and favours of the time; save only that it was put into the queen's head that it was dangerous to permit him to go beyond the sea, because he had great wit of action, and had served in so principal a place; which nevertheless after, with cardinal Pole, he was suffered to do.

Pag. eadem he saith, Sir Nicholas Bacon, that was lord keeper, was a man of exceeding crafty wit; which showeth that this fellow in his slanders is no good marksman, but throweth out his words of slaming without all level. For all the world noted Sir Nicholas Bacon to be a man plain, direct, and constant, without all finesse and doubleness; and one that was of the mind that a man in his private proceedings and estate, and in the proceedings of state, should rest upon the soundness and strength of his own courses, and not upon practice to circumvent others; according to the sentence of Solomon, "Vir prudens advertit ad gressus suos, stultus autem divertit ad dolos:" insomuch that the bishop of Ross, a subtile and observing man, said of him, that he could fasten no words upon him, and that it was impossible to come within him, because he offered no play: and the queen-mother of France, a very politic princess, said of him, that he should have been of the council of Spain, because he despised the occurrents, and rested upon the first plot; so that if he were crafty, it is hard to say who is wise.

Pag. 10. he saith, That the lord Burleigh, in the establishment of religion, in the beginning of the queen's time, prescribed a composition of his own invention; whereas the same form, not fully six years before, had been received in this realm in king Edward's time: so as his lordship being a christian politic counsellor, thought it better to follow a precedent, than to innovate; and chose the precedent rather at home than abroad.

Pag. 41. he saith, That catholics never attempted to murder any principal person of her Majesty's court, as did Burchew, whom he calleth a puritan, in wounding of a gentleman instead of Sir Christopher Hatton; but by their great virtue, modesty, and patience, do manifest in themselves a far different spirit from the other sort. For Burchew, it is certain he was mad; as appeareth not only by his mad mistaking, but by the violence that he offered afterwards to his keeper, and most evidently by his behaviour at his execution; but of catholics, I mean the traitorous sort of them, a man may say as Cato said sometimes of Cæsar, "eum ad evertendam rempublicam sobrium accessisse;" they came sober and well advised to their treasons and conspiracies; and commonly they look not so low as the counsellors, but have bent their murderous attempts immediately against her Majesty's sacred person, which God have in his precious custody! as may appear by the conspiracy of Sommervile, Parry, Savage, the six, and others; nay, they have defended it in thesi to be a lawful act.

Pag. 43. he saith, That his lordship, whom he calleth the arch-politic, hath fraudulently provided, that when any priest is arraigned, the indictment is enforced with many odious matters; wherein he showeth great ignorance, if it be not malice; for the law permitteth not the ancient forms of indictments to be altered; like as, in an action of trespass, although a man take away another's goods in the peaceablest manner in the world, yet the writ hath "quare vi et armis;" and if a man enter upon another's ground and do no more, the plaintiff mentioneth "quod herbam suam, ibidem crescentem, cum equis, bobus, porcis, et bidentibus, depastus sit, conculcavit et consumpsit." Neither is this any absurdity, for in the practice of all law the formularies have been few and certain; and not varied according to every particular case. And in indictments also of treason, it is not so far-fetched as in that of trespass; for the law ever presumeth in treason an intention of subverting the state, and impeaching the majesty royal.

Pag. 45. and in other places, speaking of the persecuting of the catholics, he still mentioneth bowellings and consuming men's entrails by fire; as if this were a torture newly devised: wherein he doth cautelously and maliciously suppress, that the law and custom of this land from all antiquity hath ordained that punishment in case of treason, and permitteth no other. And a punishment surely it is, though of great terror, yet by reason of the quick despatching, of less torment far than either the wheel or forcipation, yea than simple burning.

Pag. 48. he saith, England is confederate with the great Turk: wherein if he mean it because the merchants have an agent in Constantinople, how will he answer for all the kings of France since Francis the first, which were good catholics? For the emperor? For the king of Spain himself? For the senate of Venice, and other states, that have had long time ambassadors liegers in that court? If he mean it because the Turk hath done some special honour to our ambassador, if he be so to be termed, we are beholden to the king of Spain for that: for that the honour we have won upon him by oppo-

sition, hath given us reputation through the world: if he mean it because the Turk seemeth to affect us for the abolishing of images; let him consider then what a scandal the matter of images hath been in the church, as having been one of the principal branches whereby Mahometism entered.

Pag. 65. he saith, Cardinal Allen was of late very near to have been elected pope. Whereby he would put the catholics here in some hope, that once within five or six years, for a pope commonly sitteth no longer, he may obtain that which he missed narrowly. This is a direct abuse, for it is certain in all the conclaves since Sixtus Quintus, who gave him his hat, he was never in possibility; nay, the king of Spain, that hath patronized the church of Rome so long, as he is become a right patron of it, in that he seeketh to present to that see whom he liketh, yet never durst strain his credit to so desperate a point, as once to make a canvass for him: no, he never nominated him in his inclusive narration. And those that know any thing of the respects of conclaves, know that he is not papable: first, because he is an ultramontane, of which sort there hath been none these fifty years. Next, because he is a cardinal of alms of Spain, and wholly at the devotion of that king. Thirdly, because he is like to employ the treasure and favours of the popedom upon the enterprises of England, and the relief and advancement of the English fugitives, his necessitous countrymen. So has he presumed much upon the simplicity of the reader in this point, as in many more.

Pag. 55. and again p. 70. he saith, His lordship, meaning the lord Burleigh, intendeth to match his grandchild Mr. William Cecil with the lady Arabella. Which being a mere imagination, without any circumstance at all to induce it, more than that they are both unmarried, and that their years agree well, needeth no answer. It is true that his lordship, being no stoical unnatural man, but loving towards his children, for "charitas reipublicæ incipit a familia," hath been glad to match them into honourable and good blood: and yet not so, but that a private gentleman of Northamptonshire, that lived altogether in the country, was able to bestow his daughters higher than his lordship hath done. But yet it is not seen by any thing past, that his lordship ever thought or affected to match his children in the blood royal. His lordship's wisdom, which hath been so long of gathering, teacheth him to leave to his posterity rather surety than danger. And I marvel where be the combinations which have been with great men; and the popular and plausible courses, which ever accompany such designs, as the libeller speaketh of: and therefore this match is but like unto that which the same fellow concluded between the same lady Arabella and the earl of Leicester's son, when he was but a twelvemonth old.

Pag. 70. he saith, He laboureth incessantly with the queen to make his eldest son deputy of Ireland; as if that were such a catch, considering all the deputies since her Majesty's time, except the earl of Sussex and the lord Grey, have been persons of meaner degree than Sir Thomas Cecil is; and the most that is gotten by that place, is but the saving and putting up of a man's own revenues, during those years that he serveth there; and this perhaps to be saved with some displeasure at his return.

Pag. eadem he saith, He hath brought in his second son Sir Robert Cecil to be of the council, who hath neither wit nor experience; which speech is as notorious an untruth as is in all the libel: for it is confessed by all men that know the gentleman, that he hath one of the rarest and most excellent wits of England, with a singular delivery and application of the same; whether it be to use a continued speech, or to negotiate, or to couch in writing, or to make report, or discreetly to consider of the circumstances, and aptly to draw things to a point; and all this joined with a very good nature and a great respect to all men, as is daily more and more revealed. And for his experience, it is easy to think that his training and helps hath made it already such, as many, that have served long prentishood for it, have not attained the like: so as if that be true "qui beneficium digno dat, omnes obligat," not his father only, but the state is bound unto her Majesty, for the choice and employment of so sufficient and worthy a gentleman.

There be many other follies and absurdities in the book; which, if an eloquent scholar had it in hand, he would take advantage thereof, and justly make the author not only odious, but ridiculous and contemptible to the world: but I pass them over, and even this which hath been said hath been vouchsafed to the value and worth of the matter, and not the worth of the writer, who hath handled a theme above his compass.

VIII. Of the height of impudency that these men are grown unto in publishing and avouching untruths, with a particular recital of some of them for an assay.

These men are grown to a singular spirit and faculty in lying and abusing the world; such as, it seemeth, although they are to purchase a particular dispensation for all other sins, yet they have a dispensation dormant to lie for the catholic cause; which moveth me to give the reader a taste of their untruths, such as are written, and are not merely gross and palpable; desiring him out of their own writings, when any shall fall into his hands, to increase the roll at least in his own memory.

We retain in our calendars no other holidays but such as have their memorials in the Scriptures; and therefore in the honour of the blessed Virgin, we only receive the feasts of the annunciation and the purification; omitting the other of the conception and the nativity; which nativity was used to be celebrated upon the eighth of September, the vigil whereof happened to be the nativity of our queen: which though we keep not holy, yet we use therein certain civil customs of joy and gratulation, as ringing of bells, bonfires, and such like: and likewise make a memorial of the same day in our calendar: whereupon they have published, that we have expunged the nativity of the blessed Virgin, and put instead thereof the nativity of our queen: and further,

that we sing certain hymns unto her, used to be sung unto our Lady.

It happened that, upon some bloodshed in the church of Paul's, according to the canon law, yet with us in force, the said church was interdicted, and so the gates shut up for some few days; whereupon they published, that, because the same church is a place where people use to meet to walk and confer, the queen's Majesty, after the manner of the ancient tyrants, had forbidden all assemblies and meetings of people together, and for that reason, upon extreme jealousy, did cause Paul's gates to be shut up.

The gate of London called Ludgate, being in decay, was pulled down, and built anew; and on the one side was set up the image of king Lud and his two sons; who, according to the name, was thought to be the first founder of that gate; and on the other side, the image of her Majesty, in whose time it was re-edified; whereupon they published that her Majesty, after all the images of the saints were long beaten down, had now at last set up her own image upon the principal gate of London, to be adored, and that all men were forced to do reverence to it as they passed by, and a watch there placed for that purpose.

Mr. Jewel, the bishop of Salisbury, who according to his life died most godly and patiently, at the point of death used the versicle of the hymn "Te Deum," "O Lord, in thee have I trusted, let me never be confounded;" whereupon, suppressing the rest, they published, that the principal champion of the heretics in his very last words cried he was confounded.

In the act of recognition of primo, whereby the right of the crown is acknowledged by parliament to be in her Majesty, the like whereof was used in queen Mary's time, the words of limitation are, "in the queen's majesty, and the natural heirs of her body, and her lawful successors." Upon which word, *natural*, they do maliciously, and indeed vilainously gloss, that it was the intention of the parliament, in a cloud to convey the crown to any issue of her Majesty's that were illegitimate; whereas the word *heir* doth with us so necessarily and pregnantly import lawfulness, as it had been *indecorum*, and uncivil speaking of the issues of a prince, to have expressed it.

They set forth in the year a book with tables and pictures of the persecutions against catholics, wherein they have not only stories of fifty years old to supply their pages, but also taken all the persecutions of the primitive church, under the heathen, and translated them to the practice of England; as that of worrying priests under the skins of bears, by dogs, and the like.

I conclude then, that I know not what to make of this excess in avouching untruths, save this, that they may truly chant in their quires; "Linguam nostram magnificabimus, labia nostra nobis sunt:" and that they who have long ago forsaken the truth of God, which is the touchstone, must now hold by the whetstone; and that their ancient pillar of lying wonders being decayed, they must now hold by lying slanders, and make their libels successors to their legend.

*The first copy of my discourse touching the safety of the Queen's person.**

These be the principal remedies I could think of, for extirpating the principal cause of those conspiracies, by the breaking the nest of those fugitive traitors, and the filling them full of terror, despair, jealousy, and revolt. And it is true, I thought of some other remedies, which, because in mine own conceit I did not so well allow, I therefore do forbear to express. And so likewise I have thought, and thought again, of the means to stop and divert as well the attempts of violence, as poison, in the performance and execution. But not knowing how my travail may be accepted, being the unwarranted wishes of a private man, I leave: humbly praying her Majesty's pardon, if in the zeal of my simplicity I have roved at things above my aim.

The first fragments of a discourse, touching intelligence, and the safety of the Queen's person.†

The first remedy, in my poor opinion, is that against which, as I conceive, least exception can be taken, as a thing, without controversy, honourable and politic; and that is reputation of good intelligence. I say not only *good intelligence*, but the *reputation* and *fame* thereof. For I see, that where booths are set for watching thievish places, there is no more robbing: and though no doubt the watchmen many times are asleep, or away; yet that is more than the thief knoweth; so as the empty booth is strength and safeguard enough. So likewise, if there be sown an opinion abroad, that her Majesty hath much secret intelligence, and that all is full of spies and false brethren; the fugitives will grow into such a mutual jealousy and suspicion one of another, as they will not have the confidence to conspire together, not knowing whom to trust; and thinking all practice bootless, as that which is assured to be discovered. And to this purpose, to speak reverently, as becometh me, as I do not doubt but those honourable counsellors, to whom it doth appertain, do carefully and sufficiently provide and take order that her Majesty receive good intelligence; so yet, under correction, methinks it is not done with that glory and note to the world, which was in Mr. Secretary Walsingham's‡ time: and in this case, as was said, "opinio veritate major."

The second remedy I deliver with less assurance, as that which is more removed from the compass of mine understanding: and that is, to treat and negotiate with the king of Spain, or archduke Ernest,§ who resides in the place where these conspiracies are

* From the original in the Lambeth Library.

† From the original in the Lambeth Library.

‡ Who died April 6, 1590. After his death the business of secretary of state appears to be chiefly done by Mr. Robert Cecil, who was knighted by Queen Elizabeth at Theobald's, about the beginning of June, 1591, and in August following sworn of the privy-council; but not actually appointed secretary of state till July 5, 1596. BIRCH.

§ Ernest, archduke of Austria, son of the emperor Maximilian II. and governor of the Low Countries, upon which government he entered in June, 1594; but held it only a short time, dying February $\frac{11}{21}$ following. It was probably in pur-

most forged, upon the point of the law of nations, upon which kind of points princes' enemies may with honour negotiate, viz. that, contrary to the same law of nations, and the sacred dignity of kings, and the honour of arms, certain of her Majesty's subjects, if it be not thought meet to impeach any of his ministers, refuged in his dominions, have conspired and practised assassination against her Majesty's person.

A TRUE REPORT

OF

THE DETESTABLE TREASON,

INTENDED BY

DOCTOR RODERIGO LOPEZ,

A PHYSICIAN ATTENDING UPON THE PERSON OF THE QUEEN'S MAJESTY,

WHOM HE, FOR A SUM OF MONEY, PROMISED TO BE PAID HIM BY THE KING OF SPAIN, DID UNDERTAKE TO HAVE DESTROYED BY POISON; WITH CERTAIN CIRCUMSTANCES BOTH OF THE PLOTTING AND DETECTING OF THE SAID TREASON.

[PENNED DURING THE QUEEN'S LIFE.]

THE king of Spain having found by the enterprise of 88, the difficulty of an invasion of England; and having also since that time embraced the matters of France, being a design of a more easy nature, and better prepared to his hand, hath of necessity for a time laid aside the prosecution of his attempts against this realm, by open forces, as knowing his means unable to wield both actions at once, as well that of England as that of France; and therefore, casting at the fairest, hath, in a manner, bent his whole strength upon France, making in the mean time only a defensive war upon the Low Countries. But finding again, that the supports and aids which her Majesty hath continued to the French king, are a principal impediment and retardation to his prevailing there according to his ends, he hath, now of late, by all means, projected to trouble the waters here, and to cut us out some work at home; that by practice, without diverting and employing any great forces, he might nevertheless divert our succours from France.

According to which purpose, he first proved to move some innovation in Scotland, not so much in hope to alienate the king from the amity of her Majesty, as practising to make a party there against the king himself, whereby he should be compelled to use her Majesty's forces for his assistance. Then he solicited a subject within this realm, being a person of great nobility, to rise in arms and levy war against her Majesty; which practice was by the same nobleman loyally and prudently revealed. And lastly, rather, as it is to be thought, by the instigation of our traitorous fugitives in foreign parts, and the corrupter sort of his counsellors and ministers, than of his own nature and inclination, either of himself, or his said counsellors and ministers using his name, have descended to a course against all honour, all society and humanity, odious to God and man, detested by the heathens themselves, which is, to take away the life of her Majesty, (which God have in his precious custody!) by violence or poison. A matter which might be proved to be not only against all christianity and religion, but against nature, the law of nations, the honour of arms, the civil law, the rules of morality and policy; finally, to be the most condemned, barbarous, and ferine act that can be imagined; yea, supposing the quarrels and hostility between the princes to be never so declared and so mortal, yet were it not that it would be a very reproach unto the age, that the matter should be once disputed or called in question, it could never be defended. And therefore I leave it to the censure which Titus Livius giveth in the like case upon Perseus, the last king of the Macedons, afterwards overthrown, taken with his children, and led in triumph by the Romans: "Quem non justum bellum gerere regio animo, sed per omnia clandestina grassari scelera, latrociniorum ac veneficiorum, cernebant."

But to proceed: certain it is, that even about this present time there have been suborned and sent into this realm divers persons, some English, some

suance of the advice of Mr. Francis Bacon in this paper, that queen Elizabeth sent to the archduke in 1594, to complain of the designs which had been formed against her life by the Count de Fuentes, and Don Diego de Ibarra, and other Spanish ministers concerned in governing the Low Countries after the death of Alexander duke of Parma in December, 1592, and by the English fugitives there; and to desire him to signify those facts to the king of Spain, in order that he might vindicate his own character, by punishing his ministers, and delivering up to her such fugitives as were parties in such designs.—*Camdeni Annales Eliz. Reginæ*, p. 625. Edit. Lugduni Bat. 1625. BIRCH.

Irish, corrupted by money and promises, and resolved and conjured by priests in confession, to have executed that most wretched and horrible fact; of which number certain have been taken, and some have suffered, and some are spared because they have with great sorrow confessed these attempts, and detested their suborners. And if I should conjecture what the reason is why this cursed enterprise was at this time so hotly and with such diligence pursued, I take it to be chiefly because the matters of France were ripe, and the king of Spain made himself ready to unmask himself, and to reap that in France, which he had been long in sowing, in regard that, there being like to be a divulsion in the league by the reconciliation of some of the heads to the king, the more passionate sort, being destituted by their associates, were like to cast themselves wholly into the king of Spain's arms, and to dismember some important piece of that crown; though now upon this fresh accident of receiving the king into Paris, it is to be thought that both the worst affected of the league will submit themselves upon any tolerable conditions to their natural king, thus advanced in strength and reputation; and the king of Spain will take a second advice ere he embark himself too far in any new attempt against France. But taking the affairs as they then stood before this accident unexpected, especially of the council of Spain, during this his supposed harvest in France, his council had reason to wish that there were no disturbance from hence, where they make account that if her Majesty were removed, upon whose person God continue his extraordinary watch and providence! here would be nothing but confusion, which they do not doubt but with some no great treasure, and forces from without, may be nourished till they can more fully intend the ruin of this state, according to their ancient malice.

But howsoever that be, amongst the number of these execrable undertakers, there was none so much built and relied upon by the great ones of the other side, as was this physician Lopez; nor, indeed, none so dangerous: whether you consider the aptness of the instrument, or the subtlety and secrecy of those that practised with him, or the shift and evasion which he had provided for a colour of his doings, if they should happen to come into question. For first, whereas others were to find and encounter infinite difficulties, in the very obtaining of an opportunity to execute this horrible act; and, besides, cannot but see present and most assured death before their eyes, and therefore must be, as it were, damnable votaries if they undertake it: this man, in regard of his faculty, and of his private access to her Majesty, had both means to perpetrate, and means to conceal, whereby he might reap the fruit of his wicked treason without evident peril. And for his complices that practised with him, being Portuguese, and of the retinue of king Antonio, the king of Spain's mortal enemy, they were men thereby freed and discharged from suspicion, and might send letters and receive letters out of Spain without jealousy; as those which were thought to entertain intelligences there for the good of their master. And for the evasion and mask that Lopez had prepared for this treason, if it had not been searched and sifted to the bottom, it was, that he did intend but to cozen the king of Spain, without ill meaning; somewhat in the nature of that stratagem which Parry, a most cunning and artificial traitor, had provided for himself.

Nevertheless this matter, by the great goodness of God falling into good hands, of those honourable and sufficient persons which dealt therein, was by their great and worthy industry so handled and followed, as this Proteus of a disguised and transformed treason did at last appear in his own likeness and colours, which were as foul and monstrous as have been known in the world. For some of her Majesty's council long since entered into consideration, that the retinue of king Antonio, I mean some of them, were not unlike to hatch these kinds of treasons, in regard they were needy strangers, entered into despair of their master's fortune, and like enough to aspire to make their peace at home, by some such wicked services as these; and therefore grew to have an extraordinary vigilant eye upon them: which prudent and discreet presumption, or conjecture, joined with some advertisements of espials abroad, and some other industry, was the first cause, next under the great benediction of God, which giveth unto princes zealous counsellors, and giveth to counsellors policy, and discerning thoughts of the revealing and discovering of these treasons, which were contrived in order and form, as hereafter is set down.

This Lopez, of nation a Portuguese, and suspected to be in sect secretly a Jew, though here he conformed himself to the rites of the christian religion, for a long time professed physic in this land, by occasion whereof, being withal a man very observant and officious, and of a pleasing and appliable behaviour; in that regard, rather than for any great learning in his faculty, he grew known and favoured in court, and was some years since sworn physician of her Majesty's household; and by her Majesty's bounty, of whom he had received divers gifts of good commodity, was grown to good estate of wealth.

This man had insinuated himself greatly, in regard he was of the same nation with the king Antonio, whose causes he pretended to solicit at the court: especially while he supposed there was any appearance of his fortune; of whom also he had obtained, as one that referred all his doings to gain, an assignation of 50,000 crowns to be levied in Portugal. But being a person wholly of a corrupt and mercenary nature, and finding his hopes cold from that part: he cast his eyes upon a more able paymaster, and secretly made offer long since of his service to the king of Spain: and accordingly gave sundry intelligences of that which passed here, and imported most for the king of Spain to know, having no small means, in regard of his continual attendance at court, nearness, and access, to learn many particulars of great weight: which intelligences he maintained with Bernardine Mendoza, Antonio Vega, Roderigo Marquez, and divers others.

In the conveyance of which his intelligences and in the making known of his disposition to do the king of Spain service, he had, amongst others, one Manuel Andrada a Portuguese, revolted from Don Antonio to the king of Spain; one that was discovered to have practised the death of the said Don Antonio, and to have betrayed him to Bernardine Mendoza. This man, coming hither, was, for the same his practice, appearing by letters intercepted, apprehended and committed to prison. Before which time also, there had been by good diligence intercepted other letters, whereby the said Andrada advertised Mendoza, that he had won Dr. Lopez to the king's service: but Lopez having understanding thereof, and finding means to have secret conference with Andrada before his examination, persuaded with him to take the matter upon himself, as if he had invented that advertisement touching Lopez, only to procure himself credit with Mendoza; and to make him conceive well of his industry and service. And to move him hereunto, Lopez set before Andrada, that if he did excuse him, he should have credit to work his delivery: whereas, if he did impeach him, he was not like to find any other means of favour. By which subtle persuasion Andrada, when he came to be examined, answered according to the direction and lessoning which Lopez had given him. And having thus acquitted himself of this suspicion, became suitor for Andrada's delivery, craftily suggesting, that he was to do some notable service to Don Antonio; in which his suit he accordingly prevailed. When Lopez had thus got Andrada out of prison, he was suffered to go out of the realm into Spain; in pretence, as was said, to do some service to Don Antonio; but in truth, to continue Lopez's negotiation and intelligences with the king of Spain; which he handled so well, as at his return hither, for the comforting of the said Lopez, he brought to him from the king, besides thanks and words of encouragement, and an Abrazo, which is the complement of favour, a very good jewel garnished with sundry stones of good value. This jewel, when Lopez had excepted, he cunningly cast with himself, that if he should offer it to her Majesty first, he was assured she would not take it: next, that thereby he should lay her asleep, and make her secure of him for greater matter, according to the saying, "Fraus sibi fidem in parvis præstruit ut in magnis opprimat;" which accordingly he did, with protestations of his fidelity: and her Majesty, as a princess of magnanimity, not apt to fear or suspicion, returned it to him with gracious words.

After Lopez had thus abused her Majesty, and had these trials of the fidelity of Andrada, they fell in conference, the matter being first moved by Andrada, as he that came freshly out of Spain, touching the empoisoning of the queen: which Lopez, who saw that matter of intelligence, without some such particular service, would draw no great reward from the king of Spain; such as a man that was not needy, but wealthy as he was, could find any taste in, assented unto. And to that purpose procured again this Andrada to be sent over, as well to advertise and assure this matter to the king of Spain and his ministers, namely, to the count de Fuentes, assistant to the general of the king of Spain's forces in the Low Countries, as also to capitulate and contract with him about the certainty of his reward. Andrada having received those instructions, and being furnished with money, by Lopez's procurement, from Don Antonio, about whose service his employment was believed to be, went over to Calais, where he remained to be near unto England and Flanders, having a boy that ordinarily passed to and fro between him and Lopez: by whom he did also, the better to colour his employment, write to Lopez intelligence, as it was agreed he should between him and Lopez; who bad him send such news as he should take up in the streets. From Calais he writeth to count de Fuentes of Lopez's promise and demands. Upon the receipt of which letters, after some time taken to advertise this proposition into Spain, and to receive direction thereupon, the count de Fuentes associated with Stephano Ibarra, secretary of the council of the wars in the Low Countries, calleth to him one Manuel Louis Tinoco, a Portuguese, who had also followed king Antonio, and of whose good devotion he had had experience, in that he had conveyed unto him two several packets, wherewith he was trusted by the king Antonio for France. Of this Louis they first received a corporal oath, with solemn ceremony, taking his hands between their hands, that he should keep secret that which should be imparted to him, and never reveal the same, though he should be apprehended and questioned here. This done, they acquaint him with the letters of Andrada, with whom they charge him to confer at Calais in his way, and to pass to Lopez into England, addressing him farther to Stephano Ferrera de Gama, and signifying unto the said Lopez withal, as from the king, that he gave no great credence to Andrada, as a person too slight to be used in a cause of so great weight: and therefore marvelled much that he heard nothing from Ferrera of this matter, from whom he had in former time been advertised in generality of Lopez's good affection to do him service. This Ferrera had been sometimes a man of great livelihood and wealth in Portugal, which he did forego in adhering to Don Antonio, and appeareth to be a man of capacity and practice; but hath some years since been secretly won to the service of the king of Spain, not travelling nevertheless to and fro, but residing as his lieger in England.

Manuel Louis despatched with these instructions, and with all affectionate commendations from the count to Lopez, and with letters to Ferrera, took his journey first to Calais, where he conferred with Andrada; of whom receiving more ample information, together with a short ticket of credence to Lopez, that he was a person whom he might trust without scruple, came over into England, and first repaired to Ferrera, and acquainted him with the state of the business, who had before that time given some light unto Lopez, that he was not a stranger unto the practice between him and Andrada, wherewith, indeed, Andrada had in a sort acquainted him.

And now upon this new despatch and knowledge given to Lopez of the choice of Ferrera to continue that which Andrada had begun; he, to conform himself the better to the satisfaction of the king of Spain, and his ministers abroad, was content more fully to communicate with Ferrera, with whom, from that time forward, he meant singly and apertly to deal; and therefore cunningly forbore to speak with Manuel Louis himself; but concluded that Ferrera should be his only trunk, and all his dealings should pass through his hands, thinking thereby to have gone invisible.

Whereupon he cast with himself, that it was not safe to use the mediation of Manuel Louis, who had been made privy to the matter, as some base carrier of letters; which letters also should be written in a cipher, not of alphabet, but of words; such as might, if they were opened, import no vehement suspicion. And therefore Manuel Louis was sent back with a short answer, and Lopez purveyed himself of a base fellow, a Portuguese called Gomez d'Avila, dwelling hard by Lopez's house, to convey his letters. After this messenger provided, it was agreed between Lopez and Ferrera, that letters should be sent to the count de Fuentes, and secretary Juarra, written and signed by Ferrera, for Lopez cautelously did forbear to write himself, but directed, and indeed dictated word by word by Lopez himself. The contents thereof were, that Lopez was ready to execute that service to the king, which before had been treated, but required for his recompence the sum of 50,000 crowns, and assurance for the same.

These letters were written obscurely, as was touched, in terms of merchandise; to which obscurity when Ferrera excepted, Lopez answered they knew his meaning by that which had passed before. Ferrera wrote also to Manuel Louis, but charged this Gomez to deliver the same letters unto him in the presence of Juarra; as also the letter to Juarra in the presence of Manuel Louis. And these letters were delivered to Gomez d'Avila to be carried to Brussels, and a passport procured, and his charges defrayed by Lopez. And Ferrera, the more to approve his industry, writ letters two several times, the one conveyed by Emanuel Pallacios, with the privity of Lopez, to Christophero Moro, a principal counsellor of the king of Spain, in Spain; signifying that Lopez was won to the king of Spain, and that he was ready to receive his commandment; and received a letter from the same Christophero Moro, in answer to one of these, which he showed unto Lopez. In the mean time Lopez, though a man, in semblance, of a heavy wit, yet indeed subtle of himself, as one trained in practice, and besides as wily as fear and covetousness could make him, thought to provide for himself, as was partly touched before, as many starting-holes and evasions as he could devise, if any of these matters should come to light. And first he took his time to cast forth some general words afar off to her Majesty, as asking her the question, Whether a deceiver might not be deceived? Whereof her Majesty, not imagining these words tended to such end, as to warrant him colourably in this wretched conspiracy, but otherwise, of her own natural disposition bent to integrity and sincerity, uttered dislike and disallowance. Next, he thought he had wrought a great mystery in demanding the precise sum of 50,000 crowns, agreeing just with the sum of assignation or donation from Don Antonio; idly, and in that grossly imagining, that, if afterwards he should accept the same sum, he might excuse it, as made good by the king of Spain, in regard he desisted to follow and favour Don Antonio; whereupon the king of Spain was in honour tied not to see him a loser. Thirdly, in his conferences with Ferrera, when he was apposed upon the particular manner how he would poison her Majesty, he purposely named unto him a syrup, knowing that her Majesty never useth syrup; and therefore thinking that would prove a high point for his justification, if things should come in any question.

But all this while desirous after his prey, which he had in hope devoured, he did instantly importune Ferrera for the answering of his last despatch, finding the delay strange, and reiterating the protestations of his readiness to do the service, if he were assured of his money.

Now before the return of Gomez d'Avila into England, this Stephen Ferrera was discovered to have intelligence with the enemy; but so, as the particular of his traffic and overtures appeared not, only it seemed there was great account made of that he managed; and thereupon he was committed to prison. Soon after arrived Gomez d'Avila, and brought letters only from Manuel Louis, by the name of Francisco de Thores; because, as it seemeth, the great persons on the other side had a contrary disposition to Lopez, and liked not to write by so base a messenger, but continued their course to trust and employ Manuel Louis himself, who in likelihood was retained till they might receive a full conclusion from Spain; which was not till about two months after. This Gomez was apprehended at his landing, and about him were found the letters aforesaid, written in jargon, or verbal cipher, but yet somewhat suspicious, in these words: "This bearer will tell you the price in which your pearls are esteemed, and in what resolution we rest about a little musk and amber, which I am determined to buy." Which words the said Manuel Louis afterwards voluntarily confessed to be deciphered in this sort; That by the allowance of the pearls he meant, that the count de Fuentes, and the secretary, did gladly accept the offer of Lopez to poison the queen, signified by Ferrera's letter: and for the provision of amber and musk, it was meant, that the count looked shortly for a resolution from the king of Spain concerning a matter of importance, which was for burning of the queen's ships; and another point tending to the satisfaction of their vindictive humour.

But while the sense of this former letter rested ambiguous, and that no direct particular was confessed by Ferrera, nor sufficient light given to ground any rigorous examination of him, cometh over Manuel Louis with the resolution from Spain; who first understanding of Ferrera's restraint, and therefore doubting how far things were discovered, to shadow the matter, like a cunning companion,

gave advertisement of an intent he had to do service, and hereupon obtained a passport: but after his coming in, he made no haste to reveal any thing, but thought to dally and abuse in some other sort. And while the light was thus in the clouds, there was also intercepted a little ticket which Ferrera in prison had found means to write, in care to conceal Lopez, and to keep him out of danger, to give a caveat of staying all farther answers and advertisements in these causes. Whereupon Lopez was first called in question.

But in conclusion, this matter being with all assiduity and policy more and more pierced and mined into, first, there was won from Manuel Louis his letters from the count de Fuentes and secretary Juarra to Ferrera, in both which mention is made of the queen's death; in that of the count's under the term of a commission; and in that of the secretary's under the term of the great service, whereof should arise a universal benefit to the whole world. Also the letters of credit written by Gonsalo Gomez, one to Pedro de Carrera, and the other to Juan Pallacio, to take up a sum of money by Manuel Louis, by the foresaid false name of Fr. de Thores; letters so large, and in a manner without limitation, as any sum by virtue thereof might be taken up; which letters were delivered to Louis by the count de Fuentes's own hands, with directions to show them to Lopez for his assurance: a matter of God's secret working in staying the same, for thereupon rested only the execution of the fact of Lopez. Upon so narrow a point consisted the safety of her Majesty's life, already sold by avarice to malice and ambition, but extraordinarily preserved by that watchman which never slumbereth. This same Manuel Louis, and Stephen Ferrera also, whereof the one managed the matter abroad, and the other resided here to give correspondence, never meeting after Manuel had returned, severally examined without torture or threatening, did in the end voluntarily and clearly confess the matters above mentioned, and in their confessions fully consent and concur, not only in substance, but in all points, particularities, and circumstances; which confessions appear expressed in their own natural language, testified and subscribed with their own hands; and in open assembly, at the arraignment of Lopez in the Guildhall, were by them confirmed and avouched to Lopez his face; and therewithal are extant, undefaced, the original letters from count de Fuentes, secretary Juarra, and the rest.

And Lopez himself, at his first apprehension and examination, did indeed deny, and deny with deep and terrible oaths and execrations, the very conferences and treaties with Ferrera, or Andrada, about the empoisonment. And being demanded, if they were proved against him what he would say? he answered, That he would yield himself guilty of the fact intended. Nevertheless being afterwards confronted by Ferrera, who constantly maintained to him all that he had said, reducing him to the times and places of the said conferences, he confessed the matter, as by his confession in writing, signed with his own hand, appeareth. But then he fell to that slender evasion, as his last refuge, that he meant only to cozen the king of Spain of the money: and u that he continued at his arraignment, when not withstanding, at the first he did retract his own con fession: and yet being asked, whether he was drawn either by means of torture, or promise of life, t make the same confession? he did openly testif that no such means were used towards him.

But the falsehood of this excuse being an allega tion that any traitor may use and provide for him self, is convicted by three notable proofs. The first that he never opened this matter, neither unto he Majesty, unto whom he had ordinary access, nor t any counsellor of state, to have permission to tol on, and inveigle these parties, with whom he di treat, if it had been thought so convenient; wherein percase, he had opportunity to have done som good service, for the farther discovery of their se cret machinations against her Majesty's life. Th second, that he came too late to this shift; havin first bewrayed his guilty conscience, in denyin those treaties and conferences till they were ev dently and manifestly proved to his face. The thir that in conferring with Ferrera about the manne of his assurance, he thought it better to have th money in the hands of such merchants as he shoul name in Antwerp, than to have it brought in England; declaring his purpose to be, after the fa done, speedily to fly to Antwerp, and there to tar some time, and so to convey himself to Constantin ple; where it is affirmed, that Don Salomon, a Je in good credit, is Lopez his near kinsman, and th he is greatly favoured by the said Don Salomon whereby it is evident that Lopez had cast his reck ings upon the supposition of the fact done.

Thus may appear, both how justly this Lopez is condemned for the highest treason that can b imagined; and how, by God's marvellous goodne her Majesty hath been preserved. And surely, if man do truly consider, it is hard to say, whetl God hath done greater things by her Majesty or f her: if you observe on the one side, how God ha ordained her government to break and cross the u just ambition of the two mighty potentates, the ki of Spain and the bishop of Rome, never so strai between themselves combined: and on the oth side, how mightily God hath protected her, bo against foreign invasion and inward troubles, a singularly against the many secret conspiracies th have been made against her life; thereby declarin to the world that he will indeed preserve that i strument which he hath magnified. But the co ruptions of these times are wonderful, when that wa which are the highest trials of right between prince that acknowledge no superior jurisdiction, and ought to be prosecuted with all honour, shall be stain and infamed with such foul and inhuman practice Wherein if so great a king hath been named, th rule of the civil law, which is a rule of common re son, must be remembered; "Frustra legis auxilium implorat, qui in legem committit." He that ha sought to violate the Majesty royal, in the highe degree, cannot claim the pre-eminence thereof to b exempted from just imputation.

* Lopez was executed 7th June, 1594.

THE PROCEEDINGS *

OF

THE EARL OF ESSEX.

The points of form worthy to be observed.

The fifth of June in Trinity term, upon Thursday, being no Star-chamber day, at the ordinary hour when the courts sit at Westminster, were assembled together at the lord keeper's house in the great chamber, her Majesty's privy council, enlarged and assisted for that time and cause by the special call and associating of certain selected persons, viz. four earls, two barons, and four judges of the law, making in the whole a council or court of eighteen persons, who were attended by four of her Majesty's learned counsel for charging the earl; and two clerks of the council, the one to read, the other as a register; and an auditory of persons, to the number, as I could guess, of two hundred, almost all men of quality, but of every kind or profession; nobility, court, law, country, city. The upper end of the table left void for the earl's appearance, who after the commissioners had sat a while, and the auditory was quiet from the first throng to get in, and the doors shut, presented himself and kneeled down at the board's end, and so continued till he was licensed to stand up.

The names of the commissioners.

Lord Archbishop,
Lord Keeper, &c.

A declaration of her Majesty's proceeding.

It was open, that her Majesty being imperial, and immediate under God, was not holden to render account of her actions to any; howbeit, because she had chosen ever to govern, as well with satisfaction as with sovereignty, and the rather, to command down the winds of malicious and seditious rumours wherewith men's conceits may have been tossed to and fro, she was pleased to call the world to an understanding of her princely course held towards the earl of Essex, as well in here-before protracting as in now proceeding.

The earl repairing from his government into this realm in August last, contrary to her Majesty's express and most judicial commandment, though the contempt were in that point visible, and her Majesty's mind prepared to a just and high displeasure, in regard of that realm of Ireland set at hazard by his former disobedience to her royal directions, yet kept that stay, as she commanded my lord only to his chamber in court, until his allegations might by her privy council be questioned and heard; which account taken, and my lord's answers appearing to be of no defence, that shadow of defence which was offered consisted of two parts, the one his own conceit of some likelihood of good effects to ensue of the course held, the other a vehement and overruling persuasion of the council there, though he were indeed as absolutely freed from opinion of the council of Ireland, as he was absolutely tied to her Majesty's trust and instructions: Nevertheless, her Majesty not unwilling to admit any extenuation of his offence; and considering the one point required advertisement out of Ireland, and the other farther expectation of the event and sequel of the affairs there, and so both points asked time and protraction; her Majesty proceeded still with reservation, not to any restraint of my lord according to the nature and degree of his offence, but to a commitment of him, sub libera custodia, in the lord keeper's house.

After, when both parts of this defence plainly failed my lord, yea, and proved utterly adverse to him, for the council of Ireland in plain terms disavowed all those his proceedings, and the event made a miserable interpretation of them, then her Majesty began to behold the offence in nature and likeness, as it was divested from any palliation or cover, and in the true proportion and magnitude thereof, importing the peril of a kingdom: which consideration wrought in her Majesty a strange effect, if any thing which is heroical in virtue can be strange in her nature; for when offence was grown unmeasurably offensive, then did grace superabound; and in the heat of all the ill news out of Ireland, and other advertisements thence to my lord's disadvantage, her Majesty entered into a resolution, out of herself and her inscrutable goodness, not to overthrow my lord's fortune irreparably, by public and proportionable justice: notwithstanding, inasmuch as about that time there did fly about in London streets and theatres divers seditious libels; and Powles and ordinaries were full of bold and factious discourses, whereby not only many of her Majesty's faithful and zealous counsellors and servants were taxed, but withal the hard estate of Ireland was imputed to any thing rather than unto the true cause, the earl's defaults, though this might have made any prince on earth to lay aside straightways the former resolution taken, yet her Majesty in her moderation persisted in her course of clemency, and bethought herself of a mean to right her own honour, and yet spare the earl's ruin; and therefore taking a just and most necessary occasion upon these libels, of an admonition to be given seasonably, and as is oft accustomed; the last Star-chamber day of Mi-

* At York-House, in June, 1600, prepared for queen Elizabeth by her command, and read to her by Mr. Bacon, but never published.

chaelmas term, was pleased, that declaration should be made, by way of testimony, of all her honourable privy council, of her Majesty's infinite care, royal provisions, and prudent directions for the prosecutions in Ireland, wherein the earl's errors, by which means so great care and charge was frustrated, were incidently touched.

But as in bodies very corrupt, the medicine rather stirreth and exasperateth the humour than purgeth it, so some turbulent spirits laid hold of this proceeding in so singular partiality towards my lord, as if it had been to his disadvantage, and gave out that this was to condemn a man unheard, and to wound him on his back, and to leave Justice her sword and take away her balance, which consisted of an accusation and a defence; and such other seditious phrases: whereupon her Majesty seeing herself interested in honour, which she hath ever sought to preserve as her eye, clear and without mote, was enforced to resolve of a judicial hearing of the cause, which was accordingly appointed in the end of Hilary term. At the which time warning being given to my lord to prepare himself, he falling, as it seemed, in a deep consideration of his estate, made unto her Majesty by letter an humble and effectual submission, beseeching her that that bitter cup of justice might pass from him, for those were his words; which wrought such an impression in her Majesty's mind, that it not only revived in her her former resolution to forbear any public hearing, but it fetched this virtue out of mercy by the only touch, a few days after my lord was removed to farther liberty in his own house, her Majesty hoping that these bruits and malicious imputations would of themselves wax old and vanish: but finding it otherwise in proof, upon taste taken by some intermission of time, and especially beholding the humour of the time in a letter presumed to be written to her Majesty herself by a lady, to whom, though nearest in blood to my lord, it appertained little to intermeddle in matters of this nature, otherwise than in course of humility to have solicited her grace and mercy: in which letter, in a certain violent and mineral spirit of bitterness, remonstrance and representation is made to her Majesty, as if my lord suffered under passion and faction, and not under justice mixed with mercy; which letter, though written to her sacred Majesty, and therefore unfit to pass in vulgar hands, yet was first divulged by copies every where, that being, as it seemeth, the newest and finest form of libelling, and since committed to the press: her Majesty in her wisdom seeing manifestly these rumours thus nourished had got too great a head to be repressed without some hearing of the cause, and calling my lord to answer; and yet on the other side, being still informed touching my lord himself of his continuance of penitence and submission, did in conclusion resolve to use justice, but with the edge and point taken off and rebated; for whereas nothing leaveth that taint upon honour, which in a person of my lord's condition is hardliest repaired, in question of justice, as to be called to the ordinary and open place of offenders and criminals, her Majesty had ordered that the hearing should be intra domesticos parietes, and not luce forensi. And whereas again in the Star-chamber there be certain formalities not fit in regard of example to be dispensed with, which would strike deeper both into my lord's fortune and reputation; as the fine which is incident to a sentence there given, and the imprisonment of the Tower, which in case of contempts that touch the point of estate doth likewise follow, her Majesty turning this course, had directed that the matters should receive, before a great, honourable, and selected council, a full and deliberate, and yet in respect, a private, mild, and gracious hearing.

All this was not spoken in one undivided speech, but partly by the first that spake of the learned counsel, and partly by some of the commissioners; for in this and the rest I keep order of matter, and not of circumstance.

The matters laid to my lord's charge.

The matters wherewith my lord was charged were of two several natures; of a higher, and of an inferior degree of offence. The charge.

The former kind purported great and high contempts and points of misgovernance in his office of her Majesty's lieutenant and governor of her realm of Ireland; and in the trust and authority thereby to him committed.

The latter contained divers notorious errors and neglects of duty, as well in his government as otherwise.

The great contempts and points of misgovernment and malversation in his office, were articulate into three heads.

I. The first was the journey into Munster, whereby the prosecution in due time upon Tyrone in Ulster was overthrown: wherein he proceeded contrary to his directions, and the whole design of his employment: whereof ensued the consumption of her Majesty's army, treasure, and provisions, and the evident peril of that kingdom. The three principal articles.

II. The second was the dishonourable and dangerous treaty held, and cessation concluded with the same arch-rebel Tyrone.

III. The third was his contemptuous leaving his government, contrary to her Majesty's absolute mandate under her hand and signet, and in a time of so imminent and instant danger.

For the first, it had two parts; that her Majesty's resolution and direction was precise and absolute for the northern prosecution, and that the same direction was by my lord, in regard of the journey to Munster, wilfully and contemptuously broken. That her Majesty's direction was precise and absolute for the northern prosecution.

It was therefore delivered, that her Majesty, touched with a true and princely sense of the torn and broken estate of that kingdom of Ireland, entered into a most christian and magnanimous resolution to leave no faculty of her regal power or policy unemployed for the reduction of that people, and for the suppressing and utter quenching of that flame of rebellion, wherewith that country was and

wasted: whereupon her Majesty was pleased to take knowledge of the general conceit, how the former making and managing of the actions there had been taxed, upon two exceptions; the one, that the proportions of forces which had been there maintained and continued by supplies, were not sufficient to bring the prosecutions to a period: the other, that the prosecutions had been also intermixed and interrupted with too many temporizing treaties, whereby the rebel did not only gather strength, but also find his strength more and more, so as ever such smothers broke forth again into greater flames. Which kind of discourses and objections, as they were entertained in a popular kind of observation, so were they ever chiefly patronized and apprehended by the earl, both upon former times and occasions, and now last when this matter was in deliberation. So as her Majesty, to acquit her honour and regal function, and to give this satisfaction to herself and others, that she had left no way untried, resolved to undertake the action with a royal army and puissant forces, under the leading of some principal nobleman; in such sort, that, as far as human discourse might discern, it might be hoped, that by the expedition of a summer things might be brought to that state, as both realms may feel some ease and respiration; this from charges and levies, and that from troubles and perils. Upon this ground her Majesty made choice of my lord of Essex for that service, a principal peer and officer of her realm, a person honoured with the trust of a privy counsellor, graced with the note of her Majesty's special favour, infallibly betokening and redoubling his worth and value, enabled with the experience and reputation of former services, and honourable charges in the wars; a man every way eminent, select, and qualified for a general of a great enterprise, intended for the recovery and reduction of that kingdom, and not only or merely as a lieutenant or governor of Ireland.

My lord, after that he had taken the charge upon him, fell straightways to make propositions answerable to her Majesty's ends, and answerable to his own former discourses and opinions; and chiefly did set down one full and distinct resolution, that the design and action, which of all others was most final and summary towards an end of those troubles, and which was worthy her Majesty's enterprise with great and puissant forces, was a prosecution to be made upon the arch-traitor Tyrone in his own strengths within the province of Ulster, whereby both the inferior rebels which rely upon him, and the foreigner upon whom he relieth, might be discouraged, and so to cut asunder both dependences: and for the proceeding with greater strength and policy in that action, that the main invasion and impression of her Majesty's army should be accompanied and corresponded unto by the plantation of strong garrisons in the north, as well upon the river of Loghfoile as a postern of that province, as upon the hither frontiers, both for the distracting and bridling of the rebel's forces during the action, and again, for the keeping possession of the victory, if God should send it.

This proposition and project moving from my lord, was debated in many consultations. The principal men of judgment and service in the wars, as a council of war to assist a council of state, were called at times unto it; and this opinion of my lord was by himself fortified and maintained against all contradiction and opposite argument; and in the end, ex unanimi consensu, it was concluded and resolved that the axe should be put to the root of the tree: which resolution was ratified and confirmed by the binding and royal judgment of her sacred Majesty, who vouchsafed her kingly presence at most of those consultations.

According to a proposition and enterprise of this nature, were the proportions of forces and provisions thereunto allotted. The first proportion set down by my lord was the number of 12,000 foot and 1200 horse; which being agreed unto, upon some other accident out of Ireland, the earl propounded to have it made 14,000 foot, and 1300 horse, which was likewise accorded; within a little while after the earl did newly insist to have an augmentation of 2000 more, using great persuasions and confident significations of good effect, if those numbers might be yielded to him, as which he also obtained before his departure; and besides the supplies of 2000 arriving in July, he had authority to raise 2000 Irish more, which he procured by his letters out of Ireland, with pretence to farther the northern service: so as the army was raised in the conclusion and list to 16,000 foot, and 1300 horse, supplied with 2000 more at three months' end, and increased with 2000 Irish upon this new demand; whereby her Majesty at that time paid 18,000 foot and 1300 horse in the realm of Ireland. Of these forces, divers companies drawn out of the experienced bands of the Low Countries; special care taken that the new levies in the country should be of the ablest, and most disposed bodies; the army also animated and encouraged with the service of divers brave and valiant noblemen and gentlemen voluntaries; in sum, the most flourishing and complete troops that have been known to have been sent out of our nation in any late memory. A great mass of treasure provided and issued, amounting to such a total, as the charge of that army, all manner of ways, from the time of the first provisions and setting forth, to the time of my lord's returning into England, was verified to have drawn out of the coffers, besides the charge of the country, the quantity of 300,000*l.* and so ordered as he carried with him three month's pay beforehand, and likewise victual, munition, and all habiliments of war whatsoever, with attendance of shipping allowed and furnished in a sortable proportion, and to the full of all my lord's own demands. For my lord being himself a principal counsellor for the preparations, as he was to be an absolute commander in the execution, his spirit was in every conference and conclusion in such sort, as when there happened any points of difference upon demands, my lord using the forcible advantages of the toleration and liberty which her Majesty's special favour did give unto him, and the great devotion and forwardness of his fellow-counsellors to the

general cause, and the necessity of his then present service, he did ever prevail and carry it; insomuch as it was objected and laid to my lord's charge as one of his errors and presumptions, that he did oftentimes, upon their propositions and demands, enter into contestations with her Majesty, more a great deal than was fit. All which propositions before mentioned being to the utmost of my lord's own askings, and of that height and greatness, might really and demonstratively express and intimate unto him, besides his particular knowledge which he had, as a counsellor of estate, of the means both of her Majesty and this kingdom, that he was not to expect to have the commandment of 16,000 foot and 1300 horse, as an appurtenance to his lieutenancy of Ireland, which was impossible to be maintained; but contrariwise, that in truth of intention he was designed as general for one great action and expedition, unto which the rest of his authority was but accessary and accommodate.

It was delivered further, that in the authority of his commission, which was more ample in many points than any former lieutenant had been vested with, there were many direct and evident marks of his designation to the northern action, as principally a clause whereby "merum arbitrium belli et pacis" was reposed in his sole trust and discretion, whereas all the lieutenants were ever tied unto the peremptory assistance and admonition of a certain number of voices of the council of Ireland. The occasion of which clause so passed to my lord, doth notably disclose and point unto the precise trust committed to my lord for the northern journey; for when his commission was drawn at first according to former precedents, and on the other side my lord insisted strongly to have this new and prima facie vast and exorbitant authority, he used this argument; that the council of Ireland had many of them livings and possessions in or near the province of Lemster and Munster; but that Ulster was abandoned from any such particular respects, whereby it was like, the council there would be glad to use her Majesty's forces for the clearing and assuring of those territories and countries where their fortunes and estates were planted: so as if he should be tied to their voices, he were like to be diverted from the main service intended: upon which reason that clause was yielded unto.

So as it was then concluded, that all circumstances tended to one point, that there was a full and precise intention and direction for Ulster, and that my lord could not descend into the consideration of his own quality and value; he could not muster his fair army; he could not account with the treasurer, and take consideration of the great mass of treasure issued; he could not look into the ample and new clause of his letters patents; he could not look back, either to his own former discourses, or to the late propositions whereof himself was author, nor to the conferences, consultations, and conclusions thereupon, nor principally to her Majesty's royal direction and expectation, nor generally to the conceit both of subjects of this realm, and the rebels themselves in Ireland; but which way soever he turned, he must find himself trusted, directed, and engaged wholly for the northern expedition.

The parts of this that were charged were verified by three proofs: the first, the most authentical but the least pressed, and that was her Majesty's own royal affirmation, both by her speech now and her precedent letters; the second, the testimony of the privy council, who upon their honours did avouch the substance of that was charged, and referred themselves also to many of their lordships' letters to the same effect; the third, letters written from my lord after his being in Ireland, whereby the resolution touching the design of the north is often knowledged.

The proofs.

There follow some clauses both of her Majesty's letters and of the lords of her council, and of the earl's and the council of Ireland, for the verification of this point.

Her Majesty, in her letter of the 19th of July to my lord of Essex, upon the lingering of the northern journey, doubting my lord did value service, rather by the labour he endured, than by the advantage of her Majesty's royal ends, hath these words:

Her Majesty to the earl of Essex 19th of July, immediately after the Munster journey.

"You have in this despatch given us small light, either when or in what order you intend particularly to proceed to the northern action; wherein if you compare the time that is run on, and the excessive charges that are spent, with the effects of any thing wrought by this voyage, howsoever we remain satisfied with your own particular cares and travails of body and mind, yet you must needs think that we that have the eyes of foreign princes upon our actions, and have the hearts of people to comfort and cherish, who groan under the burthen of continual levies and impositions, which are occasioned by these late actions, can little please ourself hitherto with any thing that hath been effected."

In another branch of the same letter, reflecting her royal regard upon her own honour interested in this delay, hath these words:

A second clause of the same letter.

"Whereunto we will add this one thing that doth more displease us than any charge or offence that happens, which is, that it must be the queen of England's fortune, who hath held down the greatest enemy she had, to make a base bush-kern to be accounted so famous a rebel, as to be a person against whom so many thousands of foot and horse, besides the force of all the nobility of that kingdom, must be thought too little to be employed."

In another branch, discovering, as upon the vantage ground of her princely wisdom, what would be the issue of the courses then held, hath these words:

A third clause of the same letter.

"And therefore, although by your letter we found your purpose to go northwards, on which depends the main good of our service, and which we expected long since should have been performed; yet because we do hear it bruited, besides the words of your letter written with your own hand, which carries some such sense, that you who allege such sickness in your army by being travelled with you, and find so great

and important affairs to digest at Dublin, will yet engage yourself personally into Ophalie, being our lieutenant, when you have there so many inferiors able, might victual a fort, or seek revenge against those who have lately prospered against our forces. And when we call to mind how far the sun hath run his course, and what dependeth upon the timely plantation of garrisons in the north, and how great scandal it would be to our honour to leave that proud rebel unassayed, when we have with so great an expectation of our enemies engaged ourselves so far in the action; so that, without that be done, all those former courses will prove like via navis in mari; besides that our power, which hitherto hath been dreaded by potent enemies, will now even be held contemptible amongst our rebels; we must plainly charge you, according to the duty you owe to us, so to unite soundness of judgment to the zeal you have to do us service, as with all speed to pass thither in such sort, as the axe might be put to the root of that tree, which hath been the treasonable stock from whom so many poisoned plants and grafts have been derived; by which proceedings of yours, we may neither have cause to repent of our employment of yourself for omitting those opportunities to shorten the wars, nor receive in the eye of the world imputation of so much weakness in ourself, to begin a work without better foresight what would be the end of our excessive charge, the adventure of our people's lives, and the holding up of our own greatness against a wretch, whom we have raised from the dust, and who could never prosper, if the charges we have been put to were orderly employed."

Her Majesty to my lord of Essex, 30th July.

Her Majesty in her particular letter written to my lord the 30th of July, bindeth still expressly upon the northern prosecution, my lord ad principalia rerum, in these words:

"First, you know right well when we yielded to this excessive charge, it was upon no other foundation than to which yourself did ever advise us as much as any, which was, to assail the northern traitor, and to plant garrisons in his country; it being ever your firm opinion, amongst other our council, to conclude that all that was done in other kind in Ireland, was but waste and consumption."

Her Majesty in her letter of the 9th of August to my lord of Essex and the council of Ireland, when, after Munster journey, they began in a new time to dissuade the northern journey in her excellent ear, quickly finding a discord of men from themselves, chargeth them in these words.

Her Majesty to my lord and the council of Ireland, 9th August.

"Observe well what we have already written, and apply your counsels to that which may shorten, and not prolong the war; seeing never any of you was of other opinion, than that all other courses were but consumptions, except we went on with the northern prosecution."

The lords of her Majesty's council, in their letter of the 10th of August to my lord of Essex and the council of Ireland, do in plain terms lay before them the first plot, in these words:

The lords of the council to my lord and the council of Ireland, 10th August.

"We cannot deny but we did ground our counsels upon this foundation. That there should have been a prosecution of the capital rebels in the north, whereby the war might have been shortened: which resolution, as it was advised by yourself before your going, and assented to by most part of the council of war that were called to the question, so must we confess to your lordship, that we have all this while concurred with her Majesty in the same desire and expectation."

My lord of Essex, and the council of Ireland, in their letter of the 5th of May to the lords of the council before the Munster journey, write in hæc verba.

My lord of Essex and the council of Ireland to the lords, 5th May.

"Moreover in your lordships' great wisdom, you will likewise judge what pride the rebels will grow to, what advantage the foreign enemy may take, and what loss her Majesty shall receive, if this summer the arch-traitor be not assailed, and garrisons planted upon him."

My lord of Essex, in his particular letter of the 11th of July, to the lords of the council, after Munster journey, writeth thus:

The earl to the lords, 11th July.

"As fast as I can call these troops together, I will go look upon yonder proud rebel, and if I find him on hard ground, and in an open country, though I should find him in horse and foot three for one, yet will I by God's grace dislodge him, or put the council to the trouble of," &c.

The earl of Essex, in his letter of the 14th of August to the lords of the council, writeth out of great affection, as it seemeth, in these words:

The earl to the lords, 14th August.

"Yet must these rebels be assailed in the height of their pride, and our base clowns must be taught to fight again; else will her Majesty's honour never be recovered, nor our nation valued, nor this kingdom reduced."

Besides it was noted, that whereas my lord and the council of Ireland had, by theirs of the 15th of July, desired an increase of 2000 Irish purposely for the better setting on foot of the northern service; her Majesty, notwithstanding her proportions, by often gradations and risings, had been raised to the highest elevation, yet was pleased to yield unto it.

1. The first part concerneth my lord's ingress into his charge, and that which passed here before his going hence; now followeth an order, both of time and matter, what was done after my lord was gone into Ireland, and had taken upon him the government by her Majesty's commission.

That my lord did wilfully and contemptuously violate her Majesty's direction touching the north prosecution.

2. The second part then of the first article was to show, that my lord did wilfully and contemptuously, in this great point of estate, violate and infringe her Majesty's direction before remembered.

In delivering of the evidence and proofs of this part, it was laid down for a foundation, that there was a full performance on her Majesty's part of all the points agreed upon for this great

prosecution, so as there was no impediment or cause of interruption from hence.

This is proved by a letter from my lord of Essex and the council of Ireland to the lords of the council here, dated 9th May, which was some three weeks after my lord had received the sword, by which time he might well and thoroughly inform himself whether promise were kept in all things or no, and the words of the letter are these:

The earl of Essex and the council of Ireland to the lords of the council, 9th May.

"As your lordships do very truly set forth, we do very humbly acknowledge her Majesty's chargeable magnificence and royal preparations and transportations of men, munition, apparel, money, and victuals, for the recovery of this distressed kingdom;" where note, the transportations acknowledged as well as the preparations.

Next, it was set down for a second ground, that there was no natural nor accidental impediment in the estate of the affairs themselves, against the prosecution upon Tyrone, but only culpable impediments raised by the journey of Munster.

The earl of Essex and the council of Ireland to the lords of the council, 28th April.

This appeared by a letter from my lord and the council of Ireland to the lords of the council here, dated the 28th of April, whereby they advertise, that the prosecution of Ulster, in regard of lack of grass and forage, and the poorness of cattle at that time of year, and such like difficulties of the season, and not of the matter, will in better time, and with better commodity for the army, be fully executed about the middle of June or beginning of July; and signify, that the earl intended a present prosecution should be set on foot in Leinster; to which letters the lords make answer by theirs of the 8th of May, signifying her Majesty's toleration of the delay.

A DECLARATION

OF THE

PRACTICES AND TREASONS

ATTEMPTED AND COMMITTED BY

ROBERT LATE EARL OF ESSEX AND HIS COMPLICES,

AGAINST HER MAJESTY AND HER KINGDOMS;

AND OF THE PROCEEDINGS AS WELL AT THE ARRAIGNMENTS AND CONVICTIONS OF THE SAID LATE EARL, AND HIS ADHERENTS, AS AFTER: TOGETHER WITH THE VERY CONFESSIONS, AND OTHER PARTS OF THE EVIDENCES THEMSELVES, WORD FOR WORD, TAKEN OUT OF THE ORIGINALS.

IMPRINTED ANNO 1601.*

THOUGH public justice passed upon capital offenders, according to the laws, and in course of an honourable and ordinary trial, where the case would have borne and required the severity of martial law to have been speedily used, do in itself carry a sufficient satisfaction towards all men, specially in a merciful government, such as her Majesty's is approved to be: yet because there do pass abroad in the hands of many men divers false and corrupt collections and relations of the proceedings at the arraignment of the late earls of Essex and Southampton; and, again, because it is requisite that the world do understand as well the precedent practices and inducements to the treasons, as the open and actual treasons themselves, though in a case of life it was not thought convenient to insist at the trial upon matter of inference or presumption, but chiefly upon matter of plain and direct proofs; therefore it hath

* Our author has abundantly vouched this DECLARATION &c. to be penned by himself in the following passage of his Apology:

"It is very true also, about that time, her Majesty taking a liking of my pen, upon that which I had formerly done concerning the proceeding at York-House, and likewise upon some other DECLARATIONS, which in former times by her appointment I put in writing, commanded me to pen that book, which was published for the better satisfaction of the world; which I did, but so, as never secretary had more particular and express directions and instructions in every point how to guide my hand in it; and not only so, but after I had made a first draught thereof, and propounded it to certain principal counsellors by her Majesty's appointment, it was perused, weighed, censured, altered, and made almost a new writing, according to their lordships' better consideration, wherein their lordships and myself both were as religious and curious of truth, as desirous of satisfaction: and myself indeed gave only words and form of style in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the queen herself, and some alterations made again by her appointment: nay, and after it was set to print, the queen, who, as your lordship knoweth, as she was excellent in great matters, so she was exquisite in small; and noted that I could not forget my ancient respect to my lord of Essex, in terming him ever "my lord of Essex, my lord of Essex," almost in every page of the book; which she thought not fit, but would have it made "Essex," or "the late earl of Essex," whereupon, of force, it was printed de novo, and the first copies suppressed by her peremptory commandment."

been thought fit to publish to the world a brief declaration of the practices and treasons attempted and committed by Robert late earl of Essex and his complices against her Majesty and her kingdoms, and of the proceedings at the convictions of the said late earl and his adherents upon the same treasons: and not so only, but therewithal for the better warranting and verifying of the narration, to set down in the end the very confessions and testimonies themselves word for word, taken out of the originals, whereby it will be most manifest that nothing is obscured or disguised, though it do appear by divers most wicked and seditious libels thrown abroad, that the dregs of these treasons which the late earl of Essex himself, a little before his death, did term a leprosy, that had infected far and near, do yet remain in the hearts and tongues of some misaffected persons.

The most partial will not deny, but that Robert late earl of Essex was, by her Majesty's manifold benefits and graces, besides oath and allegiance, as much tied to her Majesty, as the subject could be to the sovereign; her Majesty having heaped upon him both dignities, offices, and gifts, in such measure, as within the circle of twelve years or more, there was scarcely a year of rest, in which he did not obtain at her Majesty's hands some notable addition either of honour or profit.

But he on the other side making these her Majesty's favours nothing else but wings for his ambition, and looking upon them not as her benefits, but as his advantages, supposing that to be his own metal which was but her mark and impression, was so given over by God, who often punisheth ingratitude by ambition, and ambition by treason, and treason by final ruin, as he had long ago plotted it in his heart to become a dangerous supplanter of that seat whereof he ought to have been a principal supporter; in such sort as now every man of common sense may discern not only his last actual and open treasons, but also his former more secret practices and preparations towards those his treasons, and that without any gloss or interpreter, but himself and his own doings.

For first of all, the world can now expound why it was that he did aspire, and had almost attained unto a greatness, like unto the ancient greatness of the præfectus prætorio under the emperors of Rome, to have all men of war to make their sole and particular dependence upon him; that with such jealousy and watchfulness he sought to discountenance any one that might be a competitor to him in any part of that greatness, that with great violence and bitterness he sought to suppress and keep down all the worthiest martial men, which did not appropriate their respects and acknowledgments only towards himself. All which did manifestly detect and distinguish, that it was not the reputation of a famous leader in the wars which he sought, as it was construed a great while, but only power and greatness to serve his own ends, considering he never loved virtue nor valour in another, but where he thought he should be proprietary and commander of it, as referred to himself.

So likewise those points of popularity which every man took notice and note of, as his affable gestures, open doors, making his table and his bed so popularly places of audience to suitors, denying nothing when he did nothing, feeding many men in their discontentments against the queen and the state, and the like; as they were ever since Absalom's time the forerunners of treasons following, so in him were they either the qualities of a nature disposed to disloyalty, or the beginnings and conceptions of that which afterwards grew to shape and form.

But as it were a vain thing to think to search the roots and first motions of treasons, which are known to none but God that discerns the heart, and the devil that gives the instigation; so it is more than to be presumed, being made apparent by the evidence of all the events following, that he carried into Ireland a heart corrupted in his allegiance, and pregnant of those or the like treasons which afterwards came to light.

For being a man by nature of a high imagination, and a great promiser to himself as well as to others, he was confident that if he were once the first person in a kingdom, and a sea between the queen's seat and his, and Wales the nearest land from Ireland, and that he had got the flower of the English forces into his hands, which he thought so to intermix with his own followers, as the whole body should move by his spirit, and if he might have also absolutely into his own hands, "potestatem vitæ et necis, et arbitrium belli et pacis," over the rebels of Ireland, whereby he might entice and make them his own, first by pardons and conditions, and after by hopes to bring them in place where they should serve for hope of better booties than cows, he should be able to make that place of lieutenancy of Ireland as a rise or step to ascend to his desired greatness in England.

And although many of these conceits were windy, yet neither were they the less like to his; neither are they now only probable conjectures or comments upon these his last treasons, but the very preludes of actions almost immediately subsequent, as shall be touched in due place.

But first, it was strange with what appetite and thirst he did affect and compass the government of Ireland, which he did obtain. For although he made some formal shows to put it from him; yet in this, as in most things else, his desires being too strong for his dissimulations, he did so far pass the bounds of decorum, as he did in effect name himself to the queen by such description and such particularities as could not be applied to any other but himself; neither did he so only, but farther, he was still at hand to offer and urge vehemently and peremptorily exceptions to any other that was named.

Then after he once found that there was no man but himself, who had other matters in his head, so far in love with that charge, as to make any competition or opposition to his pursuit, whereby he saw it would fall upon him, and especially after himself was resolved upon; he began to make propositions to her Majesty by way of taxation of the former course held in managing the actions of Ireland, especially upon three points; the first, that the pro-

portions of forces which had been there maintained and continued by supplies, were not sufficient to bring the prosecutions there to period. The second, that the axe had not been put to the root of the tree, in regard there had not been made a main prosecution upon the arch-traitor Tyrone in his own strength, within the province of Ulster. The third, that the prosecutions before time had been intermixed and interrupted with too many temporizing treaties, whereby the rebel did ever gather strength and reputation to renew the war with advantage. All which goodly and well-sounding discourses, together with the great vaunts, that he would make the earth tremble before him, tended but to this, that the queen should increase the list of her army, and all proportions of treasure and other furniture, to the end his commandment might be the greater. For that he never intended any such prosecution, may appear by this, that even at the time before his going into Ireland, he did open himself so far in speech to Blunt, his inwardest counsellor, "That he did assure himself that many of the rebels in Ireland would be advised by him:" so far was he from intending any prosecution towards those in whom he took himself to have interest. But his ends were two; the one, to get great forces into his hands; the other, to oblige the heads of the rebellion unto him, and to make them of his party. These two ends had in themselves a repugnancy; for the one imported prosecution, and the other treaty: but he that meant to be too strong to be called to account for any thing, and meant besides, when he was once in Ireland, to engage himself in other journeys that should hinder the prosecution in the north, took things in order as they made for him: and so first did nothing, as was said, but trumpet a final and utter prosecution against Tyrone in the north, to the end to have his forces augmented.

The confession of Blunt. 3.

But yet he forgat not his other purpose of making himself strong by a party amongst the rebels, when it came to the scanning of the clauses of his commission. For then he did insist, and that with a kind of contestation, that the pardoning, no not of Tyrone himself, the capital rebel, should be excepted and reserved to her Majesty's immediate grace: being infinitely desirous that Tyrone should not look beyond him for his life or pardon, but should hold his fortune as of him, and account for it to him only.

So again, whereas in the commission of the earl of Sussex, and of all other lieutenants or deputies, there was ever in that clause, which giveth unto the lieutenant or deputy that high or regal point of authority to pardon treasons and traitors, an exception contained of such cases of treason as are committed against the person of the king; it was strange, and suspiciously strange even at that time, with what importunity and instance he did labour, and in the end prevailed to have that exception also omitted, glossing then, that because he had heard that by strict exposition of law, (a point in law that he would needs forget at his arraignment, but could take knowledge of it before, when it was to serve his own ambition,) all treasons of rebellion did tend to the destruction of the king's person, it might breed a buzz in the rebels' heads, and so discourage them from coming in: whereas he knew well that in all experience passed, there was never rebel made any doubt or scruple upon that point to accept of pardon from all former governors, who had their commissions penned with that limitation, their commissions being things not kept secretly in a box, but published and recorded: so as it appeared manifestly that it was a mere device of his own out of the secret reaches of his heart then not revealed, but it may be shrewdly expounded since, what his drift was, by those pardons which he granted to Blunt the marshal, and Thomas Lee, and others, that his care was no less to secure his own instruments than the rebels of Ireland.

Yet was there another point for which he did contend and contest, which was, that he might not be tied to any opinion of the council of Ireland, or all others in certain points, as pardoning traitors, concluding war and peace, and some other principal articles, had been before him; to the end he might be absolute of himself, and be fully master of opportunities and occasions for the performing and executing of his own treasonable ends.

But after he had once, by her Majesty's singular trust and favour toward him, obtained his patent of commission as large, and his list of forces as full as he desired, there was an end in his course of the prosecution in the north. For being arrived in Ireland, the whole carriage of his actions there was nothing else but a cunning defeating of the journey, with an intent, as appeared, in the end of the year, to pleasure and gratify the rebel with a dishonourable peace, and to contract with him to his own greatness.

Therefore not long after he had received the sword, he did voluntarily engage himself in an unseasonable and fruitless journey into Munster. A journey never propounded in the council there, never advertised over hither while it was past: by which journey her Majesty's forces, which were to be preserved entire both in vigour and number for the great prosecution, were harassed and tired with long marches together, and the northern prosecution was indeed quite dashed and made impossible.

But yet still doubting he might receive from her Majesty some quick and express commandment to proceed; to be sure he pursued his former device of wrapping himself in other actions, and so set himself on work anew in the county of Ophaley, being resolved, as is manifest, to dally out the season, and never to have gone that journey at all: that setting forward which he made in the very end of August being but a mere play and a mockery, and for the purposes which now shall be declared.

After he perceived that four months of the summer, and three parts of the army were wasted, he thought now was a time to set on foot such a peace as might be for the rebels' advantage, and so to work a mutual obligation between Tyrone and himself, for which purpose he did but seek a commodity. He had there with him in his army one Thomas

e, a man of a seditious and working spirit, and e that had been privately familiar and entirely loved of Tyrone, and one that afterwards, immeiately upon Essex's open rebellion, was apprehended r a desperate attempt of violence against her Maty's person; which he plainly confessed, and for ich he suffered. Wherefore judging him to be a instrument, he made some signification to Lee of h an employment, which was no sooner signified n apprehended by Lee. He gave order also to r Christopher Blunt, marshal of his army, to lise Lee to go to Tyrone, when he should require But Lee thought good to let slip first unto Tyne, which was nevertheless by the marshal's warnt, one James Knowd, a person of wit and suffiney, to sound in what terms and humours Tyrone then was. This Knowd returned a message from Tyrone to Lee, which was, "That if the earl of Essex would low Tyrone's plot, he would make the earl of Es the greatest man that ever was in England: and ther, that if the earl would have conference with m, Tyrone would deliver his eldest son in pledge r his assurance." This message was delivered by owd to Lee, and by Lee was imparted to the l of Essex, who after this message employed e himself to Tyrone, and by his negotiating, atsoever passed else, prepared and disposed Tyne to the parley.

The confession of Tho. Lee

And this employment of Lee was a matter of that ltiness in my lord, as, being charged with it at lord keeper's only in this nature, for the message of Knowd was not then known, that when he pretended to assail Tyrone, he had before underhand agreed upon a parley, my lord utterly denied it that he ever employed Lee to Tyrone at all, and turned it upon Blunt, whom he afterwards required to take it upon him, having before sufficiently provided for the security of all parts, for he had granted both to Blunt and Lee pardons of all treasons under the great seal of Ireland, and so, himself disclaiming it, and they being pardoned, all was safe.

The confession of Lee at the Tower, he did ever declare that he had never his particular warrant to employ Lee, but afterwards this was imposed by him to take it upon himself, and that they both had pardons.

But when that Tyrone was by these means, besides what others, God knows, prepared to demand parley, now was the time for Essex to acquit himself of all the queen's commandments, and his own promises and undertakings for the northern journey; nd not so alone, but to have the glory at the disadntage of the year, being but 2500 strong of foot, nd 300 of horse, after the fresh disaster of Sir Conrn Clifford, in the height of the rebels' pride, to t forth to assail, and then that the very terror and putation of my lord of Essex's person was such as id daunt him and make him stoop to seek a parey: and this was the end he shot at in that Septmber journey, being a mere abuse and bravery, nd but inducements only to the treaty, which was he only matter he intended. For Essex drawing ew towards the catastrophe, or last part of that ragedy, for which he came upon the stage in Ireland, his treasons grew to a farther ripeness. For knowing how unfit it was for him to communicate with any English, even of those whom he trusted most, and meant to use in other treasons, that he had an intention to grow to an agreement with Tyrone, to have succours from him for the usurping upon the state here; (not because it was more dangerous than the rest of his treasons, but because it was more odious, and in a kind monstrous, that he should conspire with such a rebel, against whom he was sent; and therefore might adventure to alienate men's affections from him;) he drave it to this, that there might be, and so there was, under colour of treaty, an interview and private conference between Tyrone and himself only, no third person admitted. A strange course, considering with whom he dealt, and especially considering what message Knowd had brought, which should have made him rather call witnesses to him than avoid witnesses. But he being only true to his own ends, easily dispensed with all such considerations. Nay, there was such careful order taken, that no person should overhear one word that passed between them two, as, because the place appointed and used for the parley was such, as there was the depth of a brook between them, which made them speak with some loudness, there were certain horsemen appointed by order from Essex, to keep all men off a great distance from the place.

It is true, that the secrecy of that parley, as it gave to him the more liberty of treason, so it may give any man the more liberty of surmise, what was then handled between them, inasmuch as nothing can be known, but by report from one of them two, either Essex or Tyrone.

But although there were no proceedings against Essex upon these treasons, and that it were a needless thing to load more treasons upon him then, whose burden was so great after; yet, for truth's sake, it is fit the world know what is testified touching the speeches, letters, and reports of Tyrone, immediately following this conference, and observe also what ensued likewise in the designs of Essex himself.

On Tyrone's part it fell out, that the very day after that Essex came to the court of England, Tyrone having conference with Sir William Warren at Armagh, by way of discourse told him, and bound it with an oath, and iterated it two or three several times; That within two or three months he should see the greatest alterations and strangest that ever he saw in his life, or could imagine: and that he the said Tyrone hoped ere long to have a good share in England. With this concurred fully the report of Richard Bremingham, a gentleman of the pale, having made his repair about the same time to Tyrone, to right him in a cause of land; saving that Bremingham delivers the like speech of Tyrone to himself; but not what Tyrone hoped, but what Tyrone had promised, in these words, That he had promised, it may be thought to whom, ere long to show his face in England, little to the good of England.

The relation of Sir William Warren certified under his hand from the council of Ireland to the lords of the council here.

The report of Richard Bremingham, to the council of estate in Ireland.

These generalities coming immediately from the report of Tyrone himself, are drawn to more particularity in a conference had between the lord Fitz-Morrice, baron of Liksnaw in Munster, and one Thomas Wood, a person well reputed of, immediately after Essex coming into England. In which conference Fitz-Morrice declared unto Wood, that Tyrone had written to the traitorous titulary earl of Desmond to inform him, that the condition of that contract between Tyrone and Essex was, That Essex should be king of England; and that Tyrone should hold of him the honour and state of viceroy of Ireland; and that the proportion of soldiers which Tyrone should bring or send to Essex, were 8000 Irish. With which concurreth fully the testimony of the same James Knowd, who, being in credit with Owny Mac Roory, chief of the Omoores in Lemster, was used as a secretary for him, in the writing of a letter to Tyrone, immediately after Essex coming into England. The effect of which letter was, To understand some light of the secret agreement between the earl of Essex and Tyrone, that he the said Owny might frame his course accordingly. Which letter, with farther instructions to the same effect, was, in the presence of Knowd, delivered to Turlagh Macdauy, a man of trust with Owny, who brought an answer from Tyrone; the contents whereof were, That the earl of Essex had agreed to take his part, and that they should aid him towards the conquest of England.

The confession of James Knowd.

Besides, very certain it is, and testified by divers credible persons, that immediately upon this parley, there did fly abroad, as sparkles of this fire, which it did not concern Tyrone so much to keep secret, as it did Essex, a general and received opinion, that went up and down in the mouths both of the better and meaner sort of rebels; That the earl of Essex was theirs, and they his; and that he would never leave the one sword, meaning that of Ireland, till he had gotten the other in England; and that he would bring them to serve, where they should have other manner of booties than cows; and the like speeches. And Thomas Lee himself, who had been, as was before declared, with Tyrone two or three days, upon my lord's sending, and had sounded him, hath left it confessed under his hand; That he knew the earl of Essex and Tyrone to be one, and to run the same courses.

The declarations of Daniel Hetherington, James Knowd, and others.

Confession of Thomas Lee.

And certain it is also, that immediately upon that parley, Tyrone grew into a strange and unwonted pride, and appointed his progresses and visitations to receive congratulations and homages from his confederates, and behaved himself in all things as one that had some new spirit of hope and courage put into him.

But on the earl of Essex his part ensued immediately after this parley a strange motion and project, which though no doubt he had harboured in his breast before; yet, for any thing yet appeareth, he did not utter and break with any in it, before he had been confirmed and fortified in his purpose, by the combination and correspondence which he found in Tyrone upon their conference. Neither is this a matter gathered out of reports, but confessed directly by two of his principal friends and associates, being witnesses upon their own knowledge, and of that which was spoken to themselves: the substance of which confession is this; That a little before my lord's coming over into England, at the castle of Dublin, where Sir Christopher Blunt lay hurt, having been lately removed thither from Rheban, a castle of Thomas Lee's, and placed in a lodging that had been my lord of Southampton's: the earl of Essex took the earl of Southampton with him to visit Blunt, and there being none present but they three, my lord of Essex told them, he found it now necessary for him to go into England, and would advise with them of the manner of his going, since to go he was resolved. And thereupon propounded unto them, that he thought it fit to carry with him of the army in Ireland as much as he could conveniently transport, at least the choice of it, to the number of two or three thousand, to secure and make good his first descent on shore, purposing to land them at Milford-Haven in Wales, or thereabouts: not doubting, but that his army would so increase within a small time, by such as would come in to him, as he should be able to march with his power to London, and make his own conditions as he thought good. But both Southampton and Blunt dissuaded him from this enterprise; Blunt alleging the hazard of it, and that it would make him odious: and Southampton utterly disliking that course, upon the same and many other reasons. Howbeit, thereupon Blunt advised him rather to another course, which was to draw forth of the army some 200 resolute gentlemen, and with those to come over, and so to make sure of the court, and so to make his own conditions. Which confessions it is not amiss to deliver, by what a good providence of God they came to light: for they could not be used at Essex's arraignment to charge him, because they were uttered after his death.

The earl of Southampton and Sir Christopher Blunt. The substance of that which is confessed by Southampton and Blunt, touching Essex's purpose to have transported into England the army of Ireland, and the changing of that design into the other design of surprising the queen and the court.

But Sir Christopher Blunt at his arraignment, being charged that the earl of Essex had set it down under his hand, that he had been a principal instigator of him to his treasons, in passion brake forth into these speeches: That then he must be forced to disclose what farther matters he had held my lord from, and desired for that purpose, because the present proceeding should not be interrupted, to speak with the lord Admiral, and Mr. Secretary after his arraignment, and so fell most naturally and most voluntarily into this his confession, which, if it had been thought fit to have required of him at that time publicly, he had delivered before his conviction. And the same confession he did after, at the time of his execution, constantly and fully confirm, discourse particularly, and take upon his death, where never any man showed less fear, nor a greater resolution to die.

The speech of Sir Christopher Blunt at his arraignment, and the occasion of the falling into the aforesaid confessions.

And the same matter so by him confessed, was kewise confessed with the same circumstances of ime and place by Southampton, being severally exmined thereupon.

So as now the world may see how long since my ord put off his vizard, and disclosed the secrets of is heart to two of his most confident friends, falling pon that unnatural and detestable treason, wherento all his former actions in his government in reland, and God knows how long before, were but ntroductions.

The place of eneral of the orse in the rmy of Ireand was conerred by Eex upon outhampton, ontrary to er Majesty's xpress comandment.

But finding that these two persons, which of all the rest he thought to have found forwardest, Southampton, whose displacing he had made his own discontentment, having placed him, no question to that end, to find cause of discontentment, and Blunt, a man so enterprising and prodigal of his own life, as himself termed himself at the ar, did not applaud to this his purpose, and thereby doubting how coldly he should find others minded, hat were not so near to him; and therefore condeecending to Blunt's advice to surprise the court, he did pursue that plot accordingly, and came over with a selected company of captains and voluntaries, and such as he thought were most affectionate unto himself, and most resolute, though not knowing of his purpose. So as even at that time every man noted and wondered what the matter should be, that my lord took his most particular friends and followers from their companies, which were countenance and means unto them, to bring them over. But his purpose, as in part was touched before, was this; that if he held his greatness in court, and were not committed, which, in regard of the miserable and deplored state he left Ireland in, whereby he thought the opinion here would be that his service could not be spared, he made full account he should not be, then, at the first opportunity, he would execute the surprise of her Majesty's person. And if he were committed to the Tower, or to prison, for his contempts, for, besides his other contempts, he came over expressly against the queen's prohibition under her signet, it might be the care of some of his principal friends, by the help of that choice and resolute company which he brought over, to rescue him.

But the pretext of his coming over was, by the efficacy of his own presence and persuasion to have moved and drawn her Majesty to accept of such conditions of peace as he had treated of with Tyrone in his private conference; which was indeed somewhat needful, the principal article of them being, That there should be a general restitution of rebels in Ireland to all their lands and possessions, that they could pretend any right to before their going out into rebellion, without reservation of such lands as were by act of parliament passed to the crown, and so planted with English, both in the time of queen Mary, and since; and without difference either of time of their going forth, or nature of their offence, or other circumstance: tending in effect to this, that all the queen's good subjects, in most of the provinces, should have been displanted, and the country abandoned to the rebels.

When this man was come over, his heart thus fraughted with treasons, and presented himself to her Majesty; it pleased God, in his singular providence over her Majesty, to guide and hem in her proceeding towards him in a narrow way of safety between two perils. For neither did her Majesty leave him at liberty, whereby he might have commodity to execute his purpose; nor restrain him in any such nature, as might signify or betoken matter of despair of his return to court and favour. And so the means of present mischief being taken away, and the humours not stirred, this matter fell asleep, and the thread of his purposes was cut off. For coming over about the end of September, and not denied access and conference with her Majesty, and then being commanded to his chamber of court for some days, and from thence to the lord keeper's house, it was conceived that these were no ill signs. At my lord keeper's house he remained till some few days before Easter, and then was removed to his own house, under the custody of Sir Richard Barkley, and in that sort continued till the end of Trinity term following.

For her Majesty, all this while looking into his faults with the eye of her princely favour, and loth to take advantage of his great offences, in other nature than as contempts, resolved so to proceed against him, as might, to use her Majesty's own words, tend "ad correctionem, et non ad ruinam."

Nevertheless afterwards, about the end of Trinity term following, for the better satisfaction of the world, and to repress seditious bruits and libels which were dispersed in his justification, and to observe a form of justice before he should be set at full liberty; her Majesty was pleased to direct, that there should be associate unto her privy council some chosen persons of her nobility, and of her judges of the law, and before them his cause, concerning the breaking of his instructions for the northern prosecution, and the manner of his treating with Tyrone, and his coming over, and leaving the kingdom of Ireland, contrary to her Majesty's commandment, expressed as well by signification thereof, made under her royal hand and signet, as by a most binding and effectual letter written privately to himself, to receive a hearing; with limitation, nevertheless, that he should not be charged with any point of disloyalty; and with like favour directed, that he should not be called in question in the open and ordinary place of offenders, in the Star-chamber, from which he had likewise, by a most penitent and humble letter, desired to be spared, as that which would have wounded him for ever, as he affirmed, but in a more private manner, at my lord keeper's house. Neither was the effect of the sentence, that there passed against him, any more than a suspension of the exercise of some of his places: at which time also, Essex, that could vary himself into all shapes for a time, infinitely desirous, as by the sequel now appeareth, to be at liberty to practise and revive his former purposes, and hoping to set into them with better strength than ever, because

he conceived the people's hearts were kindled to him by his troubles, and that they had made great demonstrations of as much; he did transform himself into such a strange and dejected humility, as if he had been no man of this world, with passionate protestations that he called God to witness, That he had made an utter divorce with the world; and he desired her Majesty's favour not for any worldly respect, but for a preparative for a "Nunc dimittis;" and that the tears of his heart had quenched in him all humours of ambition. All this to make her Majesty secure, and to lull the world asleep, that he was not a man to be held any ways dangerous.

Not many days after, Sir Richard Barkley, his keeper, was removed from him, and he set at liberty with this admonition only, That he should not take himself to be altogether discharged, though he were left to the guard of none but his own discretion. But he felt himself no sooner upon the wings of his liberty, but, notwithstanding his former shows of a mortified estate of mind, he began to practise afresh as busily as ever, reviving his former resolution; which was the surprising and possessing the queen's person and the court. And that it may appear how early after his liberty he set his engines on work, having long before entertained into his service, and during his government in Ireland drawn near unto him in the place of his chief secretary, one Henry Cuffe, a base fellow by birth, but a great scholar, and indeed a notable traitor by the book, being otherwise of a turbulent and mutinous spirit against all superiors.

This fellow, in the beginning of August, which was not a month after Essex had liberty granted, fell of practising with Sir Henry Nevil, that served her Majesty as legier ambassador with the French king, and then newly come over into England from Bulloign, abusing him with a false lie and mere invention, that his service was blamed and misliked, and that the imputation of the breach of the treaty of peace held at Bulloign was like to light upon him, when there was no colour of any such matter, only to distaste him of others, and fasten him to my lord, though he did not acquaint him with any particulars of my lord's designs till a good while after.

The declaration of Sir Henry Nevil.

But my lord having spent the end of the summer, being a private time, when every body was out of town and dispersed, in digesting his own thoughts, with the help and conference of Mr. Cuffe, they had soon set down between them the ancient principle of traitors and conspirators, which was, to prepare many, and to acquaint few; and, after the manner of miners, to make ready their powder, and place it, and then give fire but in the instant. Therefore, the first consideration was of such persons as my lord thought fit to draw to be of his party; singling out both of nobility and martial men, and others, such as were discontented or turbulent, and such as were weak of judgment, and easy to be abused, or such as were wholly dependants and followers, for means or countenance, of himself, Southampton, or some other of his greatest associates.

And knowing there were no such strong and drawing cords of popularity as religion, he had not neglected, both at this time and long before, in a profane policy, to serve his turn, for his own greatness, of both sorts and factions, both of catholics and puritans, as they term them, turning his outside to the one, and his inside to the other; and making himself pleasing and gracious to the one sort by professing zeal, and frequenting sermons, and making much of preachers, and secretly underhand giving assurance to Blunt, Davis, and divers others, that, if he might prevail in his desired greatness, he would bring in a toleration of the catholic religion.

The confession of Blunt and Davis.

Then having passed the whole Michaelmas term in making himself plausible, and in drawing concourse about him, and in affecting and alluring men by kind provocations and usage, wherein, because his liberty was qualified, he neither forgot exercise of mind nor body, neither sermon nor tennis-court, to give the occasion and freedom of access and concourse unto him, and much other practice and device; about the end of that term, towards Christmas, he grew to a more framed resolution of the time and manner, when and how he would put his purpose in execution. And first, about the end of Michaelmas term, it passed as a kind of cypher and watch-word amongst his friends and followers, That my lord would stand upon his guard: which might receive construction, in a good sense, as well guard of circumspection, as guard of force: but to the more private and trusty persons he was content it should be expounded that he would be cooped up no more, nor hazard any more restraints or commandments.

The declaration of Sir H Nevil, and confession of Sir Ferdinando Gorge.

But the next care was how to bring such persons, as he thought fit for his purpose, into town together, without vent of suspicion, to be ready at the time, when he should put his design in execution; which he had concluded should be some time in Hilary term; wherein he found many devices to draw them up, some for suits in law, and some for suits in court, and some for assurance of land: and one friend to draw up another, it not being perceived that all moved from one head. And it may be truly noted, that in the catalogue of those persons that were the eighth of February in the action of open rebellion, a man may find almost out of every county of England some; which could not be by chance or constellation: and in the particularity of examinations, too long to be rehearsed, it was easy to trace in what sort many of them were brought up to town, and held in town upon several pretences. But in Candlemas term, when the time drew near, then was he content consultation should be had by certain choice persons, upon the whole matter and course which he should hold. And because he thought himself and his own house more observed, it was thought fit that the meeting and conference should be at Drury-house, where Sir Charles Davers lodged. There met at this council, the earl of Southampton, with whom in former times he had been at some emulations and differences in court: but after, Southamp-

The confession of Blunt

in having married his kinswoman, and plunged himself wholly into his fortune, and being his continual associate in Ireland, he accounted of him as most assured unto him, and had long ago in Ireland acquainted him with his purpose, as was declared before: Sir Charles Davers, one exceedingly devoted to the earl of Southampton, upon affection begun first upon the deserving of the same earl towards him when he was in trouble about the murder of one Long: Sir Ferdinando Gorge, one that the earl of Essex had of purpose sent for up from his government at Plymouth by his letter, with particular assignation to be here before the second of February: Sir John Davis, one that had been his servant, and raised by him, and that bare office in the Tower, being surveyor of the ordnance, and one that he greatly trusted: and John Littleton, one they respected for his wit and valour.

The confession of Sir C. Davers, 1. 2. Sir J. Davis, 3. Sir Ferdin. Gorge. 2. Sir Christopher Blunt, 4. Southampton at the Bar.

The consultation and conference rested upon three parts: the perusal of a list of those persons, whom they took to be of their party; the consideration of the action itself which they should set a-foot, and how they should proceed in it; and the distribution of the persons, according to the action concluded on, to their several employments.

The list contained the number of sixscore persons, noblemen, and knights, and principal gentlemen, and was, for the more credit's sake, of the earl of Essex own hand-writing.

For the action itself, there was proposition made of two principal articles: the one of possessing the Tower of London: the other of surprising her Majesty's person and the court; in which also deliberation was had, what course to hold with the city, either towards the effecting of the surprise, or after it was effected.

For the Tower, was alleged the giving a reputation to the action, by getting into their hand the principal fort of the realm, with the stores and provisions thereunto appertaining, the bridling of the city by that piece, and commodity of entrance in and possessing it, by the means of Sir John Davis. But this was by opinion of all rejected, as that which would distract their attempt from the more principal, which was the court, and as that which they made a judgment would follow incidently, if the court were once possessed.

But the latter, which was the ancient plot, as was well known to Southampton, was in the end, by the general opinion of them all, insisted and rested upon.

And the manner how it should be ordered and disposed was this: That certain selected persons of their number, such as were well known in court, and might have access, without check or suspicion, into the several rooms in court, according to the several qualities of the persons, and the differences of the rooms, should distribute themselves into the presence, the guard-chamber, the hall, and the utter court and gate, and some one principal man undertaking every several room with the strength of some few to be joined with him, every man to make good his charge according to the occasion. In which distribution, Sir Charles Davers was then named to the presence, and to the great chamber, where he was appointed, when time should be, to seize upon the halberds of the guard; Sir John Davis to the hall; and Sir Christopher Blunt to the utter gate; these seeming to them the three principal wards of consideration: and that things being within the court in a readiness, a signal should be given and sent to Essex, to set forward from Essex-house, being no great distance off. Whereupon Essex, accompanied with the noblemen of his party, and such as should be prepared and assembled at his house for that purpose, should march towards the court; and that the former conspirators already entered should give correspondence to them without, as well by making themselves masters of the gates to give them entrance, as by attempting to get into their hand upon the sudden the halberds of the guard, thereby hoping to prevent any great resistance within, and by filling all full of tumult and confusion.

This being the platform of their enterprise, the second act of this tragedy was also resolved, which was that my lord should present himself to her Majesty, as prostrating himself at her feet, and desire the remove of such persons as he called his enemies from about her. And after that my lord had obtained possession of the queen, and the state, he should call his pretended enemies to a trial upon their lives, and summon a parliament, and alter the government, and obtain to himself and his associates such conditions as seemed to him and them good.

There passed a speech also in this conspiracy of possessing the city of London, which Essex himself, in his own particular and secret inclination, had ever a special mind unto: not as a departure or going from his purpose of possessing the court, but as an inducement and preparative to perform it upon a surer ground; an opinion bred in him, as may be imagined, partly by the great overweening he had of the love of the citizens; but chiefly, in all likelihood, by a fear, that although he should have prevailed in getting her Majesty's person into his hands for a time, with his two or three hundred gentlemen, yet the very beams and graces of her Majesty's magnanimity and prudent carriage in such disaster, working with the natural instinct of loyalty, which of course, when fury is over, doth ever revive in the hearts of subjects of any good blood or mind, such as his troop for the more part was compounded of, though by him seduced and bewitched, would quickly break the knot, and cause some disunion and separation amongst them, whereby he might have been left destitute, except he should build upon some more popular number, according to the nature of all usurping rebels, which do ever trust more in the common people, than in persons of sort or quality. And this may well appear by his own plot in Ireland, which was to have come with the choice of the army, from which he was diverted, as before is showed. So as his own courses inclined ever to rest upon the main strength of the multitude, and not upon surprises, or the combinations of a few.

But to return: these were the resolutions taken at

that consultation, held by these five at Drury-house, some five or six days before the rebellion, to be reported to Essex, who ever kept in himself the binding and directing voice: which he did to prevent all differences that might grow by dissent or contradiction. And besides he had other persons, which were Cuffe and Blunt, of more inwardness and confidence with him than these, Southampton only excepted, which managed that consultation. And, for the day of the enterprise, which is that must rise out of the knowledge of all the opportunities and difficulties, it was referred to Essex his own choice and appointment; it being nevertheless resolved, that it should be some time before the end of Candlemas term.

Sir Henry Nevil's declaration.

But this council and the resolutions thereof, were in some points refined by Essex, and Cuffe, and Blunt: for, first it was thought good, for the better making sure of the utter gate of the court, and the greater celerity and suddenness, to have a troop at receipt to a competent number, to have come from the Mews, where they should have been assembled without suspicion in several companies, and from thence cast themselves in a moment upon the court-gate, and join with them which are within, while Essex with the main of his company were making forward.

It was also thought fit, that because they would be commonwealth's men, and foresee, that the business and service of the public state should not stand still; they should have ready at court, and at hand, certain other persons to be offered, to supply the offices and places of such her Majesty's counsellors and servants, as they should demand to be removed and displaced.

But chiefly it was thought good, that the assembling of their companies together should be upon some plausible pretext: both to make divers of their company, that understood not the depth of the practices, the more willing to follow them; and to engage themselves, and to gather them together the better without peril of detecting or interrupting: and again, to take the court the more unprovided,

Confession of Blunt, 3.

without any alarm given. So as now there wanted nothing but the assignation of the day: which nevertheless was resolved indefinitely to be before the end of the term, as was said before, for the putting in execution of this most dangerous and execrable treason. But God, who had in his divine providence long ago cursed this action with the curse that the psalm speaketh of, "That it should be like the untimely fruit of a woman, brought forth before it came to perfection," so disposed above, that her Majesty, understanding by a general charm and muttering of the great and universal resort to Essex-house, contrary to her princely admonition, and somewhat differing from his former manner, as there could not be so great fire without some smoke, upon the seventh of February, the afternoon before this rebellion, sent to Essex-house Mr. Secretary Herbert to require him to come before the lords of her Majesty's council, then sitting in council at Salisbury-court, being the lord treasurer's house: where it was only intended that he should have received some reprehension, for exceeding the limitation of his liberty, granted to him in a qualified manner, without any intention towards him of restraint; which he, under colour of not being well, excused to do: but his own guilty conscience applying it, that his trains were discovered, doubting peril in any farther delay, determined to hasten his enterprise, and to set it on foot the next day.

But then again, having some advertisement in the evening, that the guards were doubled at court, and laying that to the message he had received overnight; and so concluding that alarm was taken at court, he thought it to be in vain to think of the enterprise of the court, by way of surprise: but that now his only way was, to come thither in strength, and to that end first to attempt the city: wherein he did but fall back to his own former opinion, which he had in no sort neglected, but had formerly made some overtures to prepare the city to take his part, relying himself, besides his general conceit, that himself was the darling and minion of the people, and specially of the city, more particularly upon assurance given of Thomas Smith, then sheriff of London, a man well beloved amongst the citizens, and one that had some particular command of some of the trained forces of the city, to join with him. Having therefore concluded upon this determination, now was the time to execute in fact all that he had before in purpose digested.

First, therefore, he concluded of a pretext which was ever part of the plot, and which he had meditated upon and studied long before. For finding himself, thanks be to God, to seek, in her Majesty's government, of any just pretext in matter of state, either of innovation, oppression, or any unworthiness: as in all his former discontentments he had gone the beaten path of traitors, turning their imputation upon counsellors, and persons of credit with their sovereign; so now he was forced to descend to the pretext of a private quarrel, giving out this speech, how that evening, when he should have been called before the lords of the council, there was an ambuscade of musketeers placed upon the water, by the device of my lord Cobham and Sir Walter Raleigh, to have murdered him by the way as he passed: a matter of no probability; those persons having no such desperate estates or minds, as to ruin themselves and their posterity, by committing so odious a crime.

But contrariwise, certain it is, Sir Ferdinando Gorge accused Blunt, to have persuaded him to kill, or at least

Confession of Sir Ferdinando Gorge

apprehend Sir Walter Raleigh; the latter whereof Blunt denieth not, and asked Sir Walter Raleigh's forgiveness at the time of his death.

But this pretext, being the best he had, was taken: and then did messages and warnings fly thick up and down to every particular nobleman and gentleman, both that evening and the next morning, to draw them together in the forenoon to Essex-house, dispersing the foresaid fable, That he should have been murdered; save that it was sometime on the water, sometime in his bed, varying according

to the nature of a lie. He sent likewise the same night certain of his instruments, as namely, one William Temple his secretary, into the city to disperse the same tale, having increased it some few days before by an addition, That he should have been likewise murdered by some Jesuits to the number of four: and to fortify this pretext, and to make the more buzz of the danger he stood in, he caused that night a watch to be kept all night long, towards the street, in his house. The next morning, which was Sunday, they came unto him of all hands, according to his messages and warnings: of the nobility, the earls of Rutland, Southampton, and the lord Sands, and Sir Henry Parker, commonly called the lord Mountegle; besides divers knights and principal gentlemen and their followers, to the number of some three hundred. And also it being Sunday, and the hour when he had used to have a sermon at his house, it gave cause to some and colour to others to come upon that occasion. As they came, my lord saluted and embraced, and to the generality of them gave to understand, in as plausible terms as he could, That his life had been sought, and that he meant to go to the court and declare his griefs to the queen, because his enemies were mighty, and used her Majesty's name and commandment; and desired their help to take his part; but unto the more special persons, he spake high, and in other terms, telling them, That he was sure of the city, and would put himself into that strength, that her Majesty should not be able to stand against him, and that he would take revenge of his enemies.

The confession of the earl of Rutland.

All the while after eight of the clock in the morning, the gates to the street and water were strongly guarded, and men taken in and let forth by discretion of those that held the charge, but with special caution of receiving in such as came from the court, but not suffering them to go back without my lord's special direction, to the end no particularity of that which passed there might be known to her Majesty.

About ten of the clock, her Majesty having understanding of this strange and tumultuous assembly at Essex-house, yet in her princely wisdom and moderation thought to cast water upon this fire before it brake forth to farther inconvenience; and therefore using authority before she would use force, sent unto him four persons of great honour and place, and such as he ever pretended to reverence and love, to offer him justice for any griefs of his, but yet to lay her royal commandment upon him to disperse his company, and upon them to withdraw themselves.

The declaration of the lord keeper, the earl of Worcester, the lord Chief Justice under their hands. The oath of the lord chief Justice, viva voce. The declaration of the earl of Worcester, viva voce.

These four honourable persons, being the lord keeper of the great seal of England, the earl of Worcester, the comptroller of her Majesty's household, and the lord chief justice of England, came to the house, and found the gates shut upon them. But after a little stay, they were let in at the wicket; and as soon as they were within, the wicket was shut, and all their servants kept out except the bearer of the seal. In the court they found the earls with the rest of the company, the court in a manner full, and upon their coming towards Essex, they all flocked and thronged about them; whereupon the lord keeper in an audible voice delivered to the earl the queen's message, That they were sent by her Majesty to understand the cause of this their assembly, and to let them know that if they had any particular cause of griefs against any persons whatsoever, they should have hearing and justice.

Whereupon the earl of Essex in a very loud and furious voice declared, That his life was sought, and that he should have been murdered in his bed, and that he had been perfidiously dealt withal; and other speeches to the like effect. To which the lord chief justice said, If any such matter were attempted or intended against him, it was fit for him to declare it, assuring him both a faithful relation on their part, and that they could not fail of a princely indifferency and justice on her Majesty's part.

To which the earl of Southampton took occasion to object the assault made upon him by the lord Gray: which my lord chief justice returned upon him, and said, That in that case justice had been done, and the party was in prison for it.

Then the lord keeper required the earl of Essex, that if he would not declare his griefs openly, yet that then he would impart them privately; and then they doubted not to give him or procure him satisfaction.

Upon this there arose a great clamour among the multitude: "Away, my lord, they abuse you, they betray you, they undo you, you lose time." Whereupon my lord keeper put on his hat, and said with a louder voice than before, "My lord, let us speak with you privately, and understand your griefs; and I do command you all upon your allegiance, to lay down your weapons and to depart." Upon which words the earl of Essex and all the rest, as disdaining commandment, put on their hats; and Essex somewhat abruptly went from him into the house, and the counsellors followed him, thinking he would have private conference with them as was required.

And as they passed through the several rooms, they might hear many of the disordered company cry, "Kill them, kill them;" and others crying, "Nay, but shop them up, keep them as pledges, cast the great seal out at the window;" and other such audacious and traitorous speeches. But Essex took hold of the occasion and advantage, to keep in deed such pledges if he were distressed, and to have the countenance to lead them with him to the court, especially the two great magistrates of justice, and the great seal of England, if he prevailed, and to deprive her Majesty of the use of their counsel in such a strait, and to engage his followers in the very beginning by such a capital act as the imprisonment of counsellors carrying her Majesty's royal commandment for the suppressing of a rebellious force.

And after that they were come up into his book-

chamber, he gave order they should be kept fast, giving the charge of their custody principally to Sir John Davis, but adjoined unto him a warder, one Owen Salisbury, one of the most seditious and wicked persons of the number, having been a notorious robber, and one that served the enemy under Sir William Stanley, and that bare a special spleen unto my lord chief justice; who guarded these honourable persons with muskets charged, and matches ready fired at the chamber door.

This done, the earl, notwithstanding my lord keeper still required to speak with him, left the charge of his house with Sir Gilly Merick; and, using these words to my lord keeper, "Have patience for a while, I will go take order with the mayor and sheriffs for the city, and be with you again within half an hour:" issued with his troop into London, to the number of two hundred, besides those that remained in the house, choice men for hardiness and valour, unto whom some gentlemen and one nobleman did after join themselves.

But from the time he went forth, it seems God did strike him with the spirit of amazement, and brought him round again to the place whence he first moved.

For after he had once by Ludgate entered into the city, he never had so much as the heart or assurance to speak any set or confident speech to the people, (but repeated only over and over his tale as he passed by, that he should have been murdered,) nor to do any act of foresight or courage; but he that had vowed he would never be cooped up more, cooped himself first within the walls of the city, and after within the walls of a house, as arrested by God's justice as an example of disloyalty. For passing through Cheapside, and so towards Smith's house, and finding though some came about him, yet none joined or armed with him, he provoked them by speeches as he passed to arm, telling them, They did him hurt and no good, to come about him with no weapons.

The confession of the earl of Rutland The lord Sandys.

But there was not in so populous a city, where he thought himself held so dear, one man, from the chiefest citizen to the meanest artificer or prentice, that armed with him: so as being extremely appalled, as divers that happened to see him then might visibly perceive in his face and countenance, and almost moulten with sweat, though without any cause of bodily labour but only by the perplexity and horror of his mind, he came to Smith's house the sheriff, where he refreshed himself a little and shifted him.

But the mean while it pleased God, that her Majesty's directions at court, though in a case so strange and sudden, were judicial and sound. For first there was commandment in the morning given unto the city, that every man should be in a readiness both in person and armour, but yet to keep within his own door, and to expect commandment; upon a reasonable and politic consideration, that had they armed suddenly in the streets, if there were any ill disposed persons, they might arm on the one side and turn on the other, or at least, if armed men had been seen to and fro, it would have bred a greater tumult, and more bloodshed; and the nakedness of Essex's troop would not have so well appeared.

And soon after, direction was given that the lord Burghley, taking with him the king of heralds, should declare him traitor in the principal parts of the city; which was performed with good expedition and resolution, and the loss and hurt of some of his company. Besides that, the earl of Cumberland, and Sir Thomas Gerard, knight-marshal, rode into the city, and declared and notified to the people that he was a traitor: from which time divers of his troop withdrawing from him, and none other coming in to him, there was nothing but despair. For having staid a while, as is said, at sheriff Smith's house, and there changing his pretext of a private quarrel, and publishing, that the realm should have been sold to the Infanta, the better to spur on the people to rise, and called, and given commandment to have arms brought and weapons of all sorts, and being soon after advertised of the proclamation, he came forth in a hurry.

The confession of the earl of Rutland Essex's confession at the bar.

So having made some stay in Gracechurch-street, and being dismayed upon knowledge given to him that forces were coming forwards against him under the conduct of the lord Admiral, the lieutenant of her Majesty's forces; and not knowing what course to take, he determined in the end to go back towards his own house, as well in hope to have found the counsellors there, and by them to have served some turn, as upon trust that towards night his friends in the city would gather their spirits together, and rescue him, as himself declared after to the lieutenant of the Tower.

But for the counsellors, it had pleased God to make one of the principal offenders his instrument for their delivery; who seeing my lord's case desperate, and contriving how to redeem his fault and save himself, came to Sir John Davis, and Sir Gilly Merick, as sent from my lord; and so procured them to be released.

But the earl of Essex, with his company that was left, thinking to recover his house, made on by land towards Ludgate; where being resisted by a company of pikemen and other forces, gathered together by the wise and diligent care of the bishop of London, and commanded by Sir John Luson, and yet attempting to clear the passage, he was with no great difficulty repulsed. At which encounter Sir Christopher Blunt was sore wounded, and young Tracy slain on his part; and one Waits on the queen's part, and some others. Upon which repulse he went back and fled towards the water-side, and took boat at Queenhithe, and so was received into Essex-house at the water-gate, which he fortified and barricadoed; but instantly the lord-lieutenant so disposed his companies, as all passage and issue forth was cut off from him both by land and by water, and all succours that he might hope for were discouraged: and leaving the earl of Cumberland, the earl of Lincoln, the lord Thomas Howard, the lord Gray, the lord Burghley, and the lord Compton,

Sir Walter Raleigh, Sir Thomas Gerard, with divers others, before the house to landward, my lord-lieutenant himself thought good, taking with him the lord of Effingham, lord Cobham, Sir John Stanhope, Sir Robert Sidney, M. Foulk Grevill, with divers others, to assail the garden and banqueting-house on the water-side, and presently forced the garden, and won to the walls of the house, and was ready to have assailed the house; but out of a christian and honourable consideration, understanding that there were in the house the countess of Essex, and the lady Rich, with their gentlewomen, let the earl of Essex know by Sir Robert Sidney, that he was content to suffer the ladies and gentlewomen to come forth. Whereupon Essex returning the lord-lieutenant thanks for the compassion and care he had of the ladies, desired only to have an hour's respite to make way for their going out, and an hour after to barricado the place again: which because it could make no alteration to the hinderance of the service, the lord-lieutenant thought good to grant. But Essex, having had some talk within of a sally, and despairing of the success, and thinking better to yield himself, sent word that upon some conditions he would yield.

But the lord-lieutenant utterly refusing to hear of capitulation, Essex desired to speak with my lord, who thereupon went up close to the house; and the late earls of Essex and Southampton, with divers other lords and gentlemen their partakers, presented themselves upon the leads; and Essex said, he would not capitulate, but entreat; and made three petitions. The first, that they might be civilly used; whereof the lord-lieutenant assured them. The second, that they might have an honourable trial; whereof the lord-lieutenant answered they needed not to doubt. The third, that he might have Ashton a preacher with him in prison for the comfort of his soul; which the lord-lieutenant said he would move to her Majesty, not doubting of the matter of his request, though he could not absolutely promise him that person. Whereupon they all, with the ceremony amongst martial men accustomed, came down and submitted themselves, and yielded up their swords, which was about ten of the clock at night; there having been slain in holding of the house by musket-shot Owen Salisbury, and some few more on the part of my lord, and some few likewise slain and hurt on the queen's part; and presently, as well the lords as the rest of their confederates of quality, were severally taken into the charge of divers particular lords and gentlemen, and by them conveyed to the Tower and other prisons.

So as this action, so dangerous in respect of the person of the leader, the manner of the combination, and the intent of the plot, brake forth and ended within the compass of twelve hours, and with the loss of little blood, and in such sort as the next day all courts of justice were open, and did sit in their accustomed manner, giving good subjects and all reasonable men just cause to think, not the less of the offender's treason, but the more of her Majesty's princely magnanimity and prudent foresight in so great a peril, and chiefly of God's goodness, that hath blessed her Majesty in this, as in many things else, with so rare and divine felicity.

The effect of the evidence given at the several arraignments of the late earls of ESSEX *and* SOUTHAMPTON, *before the lord Steward; and of Sir* CHRISTOPHER BLUNT, *and Sir* CHARLES DAVERS, *and others, before great and honourable Commissioners of Oyer and Terminer: and of the answers and defences which the said offenders made for themselves: and the replies made upon such their defences: with some other circumstances of the proceedings, as well at the same arraignments as after.*

Some question was made by the earl of Essex whether he might challenge any of the peers? But answer was made by the judges, that the law had that reputation of the peers, that it trusted them both without oath and challenge.

The two late earls of Essex and Southampton were brought to their trial the nineteenth of February, eleven days after the rebellion. At which trial there passed upon them twenty-five peers, a greater number than hath been called in any former precedent. Amongst whom her Majesty did not forbear to use many that were of near alliance and blood to the earl of Essex, and some others, that had their sons and heirs apparent that were of his company, and followed him in the open action of rebellion. The lord steward then in commission, according to the solemnity in such trials received, was the lord Buckhurst, lord high treasurer, who with gravity and temperance directed the evidence, and moderated and gave the judgment. There was also an assistance of eight judges, the three chief, and five others. The hearing was with great patience and liberty: the ordinary course not being held to silence the prisoners till the whole state of the evidence was given in; but they being suffered to answer articulately to every branch of the evidence, and sometimes to every particular deposition, whensoever they offered to speak: and not so only, but they were often spared to be interrupted, even in their digressions and speeches not much pertinent to their cause. And always when any doubt in law was moved, or when it was required either by the prisoners or the peers, the lord steward required the judges to deliver the law; who gave their opinions severally, not barely yea or no, but at large with their reasons.

In the indictment were not laid or charged the treasons of Ireland, because the greatest matter, which was the design to bring over the army of Ireland, being then not confessed nor known; it was not thought convenient to stuff the indictment with matters which might have been conceived to be chiefly gathered by curious inquisition, and grounded upon report or presumption, when there was other matter so notorious. And besides, it was not unlikely, that in his case to whom many were so partial, some, who would not consider how things came to light by degrees, might have reported that he was twice called in question about one offence. And therefore the late treasons of his rebellion and conspiracy were only comprehended in the indictment, with the usual clauses and consequents in law, of compassing

the queen's death, destruction, and deprivation, and levying war, and the like.

The evidence consisted of two parts: the plot of surprising her Majesty's person in court, and the open rebellion in the city.

The plot was opened according to the former narration, and proved by the several confessions of four witnesses, fully and directly concurring in the point; Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, and Sir Ferdinando Gorge. Of which number, though Sir Christopher Blunt were not at the council held at Drury-house, no more than Essex himself was; yet he was privy to that which passed. Sir Ferdinando Gorge being prisoner in the gate-house, near the place of trial, was, at the request of the earl of Essex, brought thither, and avouched viva voce his confession in all things.

And these four proved all particularities of surprising the court, and the manner of putting the same in execution, and the distributing and naming of the principal persons and actors to their several charges; and the calling of my lord's pretended enemies to trial for their lives, and the summoning of a parliament, and the altering of the government. And Sir Christopher Blunt, and Sir John Davis from Sir Christopher Blunt, did speak to the point of bringing in a toleration of the catholic religion.

For the overt rebellion in the city itself, it was likewise opened, according to the former narration, and divided itself naturally into three parts.

First, the imprisonment of the counsellors, bringing her Majesty's royal commandment to them, upon their allegiance to disperse their forces. Secondly, the entering the city, and the stirring of the people to rise, as well by provoking them to arm, as by giving forth the slanders that the realm was sold to the Spaniard, and the assailing of the queen's forces at Ludgate. And thirdly, the resistance and keeping of the house against her Majesty's forces under the charge and conduct of the lord-lieutenant.

And albeit these parts were matters notorious, and within almost every man's view and knowledge; yet, for the better satisfaction of the peers, they were fully proved by the oath of the lord chief justice of England, being there present, viva voce, and the declaration of the earl of Worcester, being one of the peers likewise, viva voce, touching so much as passed about the imprisonment of themselves and the rest; and by the confessions of the earl of Rutland, the lord Sandys, the lord Cromwell, and others.

The defence of the late earl of Essex, touching the plot and consultation at Drury-house, was: That it was not proved that he was at it; and that they could show nothing, proving his consent or privity, under his hand.

Touching the action in the city, he justified the pretext of the danger of his life to be a truth. He said that his speech, that the realm should have been sold to the infanta of Spain, was grounded upon a report he had heard, that Sir Robert Cecil should say privately, That the infanta's title to the crown, after her Majesty, was as good as any other. He excused the imprisonment of the counsellors to have been against his mind, forced upon him by his unruly company. He protested he never intended in his heart any hurt to her Majesty's person; that he did desire to secure his access to her, for which purpose he thought to pray the help of the city, and that he did not arm his men in warlike sort, nor struck up drum, nor the like.

The defence of the late earl of Southampton to his part in the plot, and consultation at Drury-house, was: That it was a matter debated, but not resolved nor concluded; and that the action which was executed, was not the action which was consulted upon. And for the open action in the city, he concurred with Essex, with protestation of the clearness of his mind for any hurt to the queen's person: and that it was but his affection to my lord of Essex that had drawn him into the cause. This was the substance and best of both their defences. Unto which the reply was:

Defence. To the point, that the late earl of Essex was not at the consultation at Drury-house:

Reply. It was replied, that it was proved by all the witnesses, that that consultation was held by his special appointment and direction, and that both the list of the names and the principal articles were of his own hand-writing. And whereas he said, they could not be showed extant under his hand; it was proved by the confession of my lord of Rutland, and the lord Sands, that he had provided for that himself. For after he returned out of the city to his own house, he burned divers papers which he had in a cabinet, because, as himself said, they should tell no tales.

Defence. To the point which Southampton alleged, That the consultation at Drury-house, upon the list and articles in writing, was not executed:

Reply. It was replied, that both that consultation in that manner held, if none other act had followed, was treason; and that the rebellion following in the city, was not a desisting from the other plot, but an inducement and pursuance of it; their meaning being plain on all parts, that after they had gotten the aid of the city, they would have gone and possessed the court.

Defence. To the point, that it was a truth that Essex should have been assailed by his private enemies:

Reply. First, he was required to deliver who it was that gave him the advertisement of it; because otherwise it must light upon himself, and be thought his own invention: whereunto he said, that he would name no man that day.

Then it was showed how improbable it was, considering that my lord Cobham and Sir Walter Raleigh were men whose estates were better settled and established than to overthrow their fortunes by such a crime.

Besides, it was showed how the tale did not hang together, but varied in itself, as the tale of the two judges did, when one said, under the mulberry-tree, and another said, under the fig-tree. So sometimes

it was, that he should have been murdered in his bed, and sometimes upon the water, and sometimes it should have been performed by Jesuits some days before.

Thirdly, it was asked what reference the going into the city for succour against any his private enemies had to the imprisoning of the lord keeper, and the lord chief justice, persons that he pretended to love and respect; and the earl of Worcester his kinsman, and Master Comptroller his uncle, and the publishing to the people, that the realm should have been sold to the Spaniard.

And lastly, it was said, that these were the ancient footsteps of former traitors, to make their quarrel as against their private enemies, because God unto lawful kings did ever impart such beams of his own glory, as traitors could not look straight upon them, but ever turned their pretences against some about them; and that this action of his resembled the action of Pisistratus of Athens, that proceeded so far in this kind of fiction and dissimulation, as he lanced his own body, and came hurt and wounded before the people, as having been assailed by his private enemies; and by colour thereof obtained a guard about his person, by help of whom he after usurped upon the state.

Defence. To the point, that he heard it reported Mr. Secretary should say, That the infanta's title to the crown, after her Majesty, was as good as any other:

Reply. Upon this his allegation, Mr. Secretary standing out of sight in a private place, only to hear, being much moved with so false and foul an accusation, came suddenly forth, and made humble request to the lord steward, that he might have the favour to answer for himself. Which being granted him, in respect of the place he carried, after a bitter contestation on his part with the earl, and a serious protestation of his alienation of heart from the Spanish nation in any such condition, he still urged the earl to name the reporter, that all the circumstances might be known. But the earl still warily avoiding it, Mr. Secretary replied, That seeing he would allege no author, it ought to be reputed his own fiction. Whereupon the earl of Essex said, Though his own conscience was a sufficient testimony to himself that he had not invented any untruth, yet he would affirm thus much for the world's farther satisfaction in that behalf, that the earl of Southampton also had heard so much reported of Mr. Secretary; but said still that he, for his part, would name nobody. Whereupon Mr. Secretary adjured the earl of Southampton, by all former friendship, which had been indeed very great between them, that he would declare the person; which he did presently, and said it was Mr. Comptroller. At which speech Mr. Secretary straight took hold and said, That he was glad to hear him named of all others; for howsoever some malicious person might peradventure have been content to give credit to so injurious a conceit of him, especially such as were against the peace wherein he was employed, and for which the earl of Essex had ever hated him, being ever desirous to keep an army on his own dependency, yet he did think no man of any understanding would believe that he could be so senseless as to pick out the earl of Essex his uncle to lay open to him his affection to that nation, in a matter of so odious and pernicious consequence; and so did very humbly crave it at the hands of the lord Steward, and all the peers, that Mr. Comptroller might be sent for, to make good his accusation.

Thereupon the lord Steward sent a serjeant at arms for Mr. Comptroller, who presently came thither, and did freely and sincerely deliver, that he had only said, though he knew not well to whom, that Mr. Secretary and he walking in the garden at court one morning about two years since, and talking casually of foreign things, Mr. Secretary told him, that one Doleman had maintained in a book, not long since printed, that the infanta of Spain had a good title to the crown of England: which was all, as Mr. Comptroller said, that ever he heard Mr. Secretary speak of that matter. And so the weak foundation of that scandal being quickly discerned, that matter ended; all that could be proved being no other, than that Mr. Comptroller had told another, who had told the earl of Essex, that Mr. Secretary said to him, that such a book said so; which every man could say that hath read it, and no man better knew than the earl himself, to whom it was dedicated.

Defence. To the point of both their protestations, that they intended no hurt to her Majesty's person:

Reply. First, the judges delivered their opinions for matter in law upon two points: the one, that in case where a subject attempteth to put himself into such strength as the king shall not be able to resist him, and to force and compel the king to govern otherwise than according to his own royal authority and direction, it is manifest rebellion. The other, that in every rebellion the law intendeth as a consequent, the compassing the death and deprivation of the king, as foreseeing that the rebel will never suffer that king to live or reign, which might punish or take revenge of his treason and rebellion. And it was enforced by the queen's counsel, that this is not only the wisdom of the laws of the realm which so defineth of it, but it is also the censure of foreign laws, the conclusion of common reason, which is the ground of all laws, and the demonstrative assertion of experience, which is the warranty of all reason. For first, the civil law maketh this judgment, that treason is nothing else but crimen læsæ majestatis, or diminutæ majestatis, making every offence which abridgeth or hurteth the power and authority of the prince, as an insult or invading of the crown, and extorting the imperial sceptre. And for common reason, it is not possible that a subject should once come to that height as to give law to his sovereign, but what with insolency of the change, and what with terror of his own guiltiness, he will never permit the king, if he can choose, to recover authority; nor, for doubt of that, to continue alive. And lastly, for experience, it is confirmed by all stories and examples, that the subject never obtained a superiority and command over the king, but there followed soon after the deposing and putting of the king to

death, as appeareth in our own chronicles, in two notable particulars of two unfortunate kings: the one of Edward the second, who when he kept himself close for danger, was summoned by proclamation to come and take upon him the government of the realm: but as soon as he presented himself was made prisoner, and soon after forced to resign, and in the end tragically murdered in Berkeley castle. And the other of king Richard the second, who though the duke of Hereford, after king Henry the fourth, presented himself before him with three humble reverences, yet in the end was deposed and put to death.

Defence. To the point of not arming his men otherwise than with pistols, rapiers, and daggers, it was replied:

Reply. That that course was held upon cunning, the better to insinuate himself into the favour of the city, as coming like a friend with an All hail, or kiss, and not as an enemy, making full reckoning that the city would arm him, and arm with him; and that he took the pattern of his action from the day of the barricadoes at Paris, where the duke of Guise entering the city but with eight gentlemen, prevailing with the city of Paris to take his part, as my lord of Essex, thanks be to God, failed of the city of London, made the king, whom he thought likewise to have surprised, to forsake the town, and withdraw himself into other places, for his farther safety. And it was also urged against him out of the confession of the earl of Rutland and others, that he cried out to the citizens, "That they did him hurt and no good, to come without weapons;" and provoked them to arm: and finding they would not be moved to arm with him, sought to arm his own troops.

This, point by point, was the effect of the reply. Upon all which evidence both the earls were found guilty of treason by all the several voices of every one of the peers, and so received judgment.

The names of the peers that passed upon the trial of the two earls.

Earl of Oxford.	Lord Cobham.
Earl of Shrewsbury.	Lord Stafford.
Earl of Derby.	Lord Gray.
Earl of Cumberland.	Lord Lumley.
Earl of Worcester.	Lord Windsor.
Earl of Sussex.	Lord Rich.
Earl of Hertford.	Lord Darcy de Chichey.
Earl of Lincoln.	Lord Chandos.
Earl of Nottingham.	Lord Hunsdon.
Lord Viscount Bindon.	Lord St. John de Bletso.
	Lord Compton.
Lord De la Ware.	Lord Burghley.
Lord Morley.	Lord Howard of Walden.

The names of the judges that assisted the court.

Lord Chief Justice.	Justice Fenner.
Lord Chief Justice of the Common Pleas.	Justice Walmsly.
	Baron Clerke.
Lord Chief Baron.	Justice Kingsmill.
Justice Gawdy	

Some particulars of that which passed after the arraignment of the late earls, and at the time of the suffering of the earl of Essex.

But the earl of Essex, finding that the consultation at Drury-house, and the secret plots of his premeditated and prepensed treasons were come to light, contrary to his expectation, was touched, even at his parting from the bar, with a kind of remorse; especially because he had carried the manner of his answer, rather in a spirit of ostentation and glory, than with humility and penitence: and brake out in the hall, while the lords were in conference, into these words; "That seeing things were thus carried, he would, ere it be long, say more than yet was known." Which good motion of his mind being, after his coming back to the Tower, first cherished by M. D. of Norwich, but after wrought on by the religious and effectual persuasions and exhortations of Mr. Abdy Ashton his chaplain, the man whom he made suit by name to have with him for his soul's health, as one that of late time he had been most used unto, and found most comfort of, comparing it, when he made the request, to the case of a patient, that in his extremity would be desirous to have that physician that was best acquainted with his body; he sent word the next day, to desire to speak with some of the principal counsellors, with whom he desired also that particularly Mr. Secretary might come for one. Upon which his request, first the lord admiral and Mr. Secretary, and afterwards at two several times the lord keeper of the great seal, the lord high treasurer, the lord high admiral, and Mr. Secretary, repaired unto him: before whom, after he had asked the lord keeper forgiveness, for restraining him in his house, and Mr. Secretary for having wronged him at the bar, concerning the matter of the infanta, with signification of his earnest desire to be reconciled to them, which was accepted with all christian charity and humanity; he proceeded to accuse heavily most of his confederates for carrying malicious minds to the state, and vehemently charged Cuffe his man to his own face, to have been a principal instigator of him in his treasons; and then disclosed how far Sir Henry Neville, her Majesty's late ambassador, was privy to all the conspiracy; of whose name till then there had not been so much as any suspicion. And farther, at the lords first coming to him, not sticking to confess that he knew her Majesty could not be safe while he lived, did very earnestly desire this favour of the queen, that he might die as privately as might be.

The testimony of the three divines under their hands.

And the morning before his execution, there being sent unto him, for his better preparation, Mr. Doctor Mountford, and Mr. Doctor Barlow, to join with Mr. Abdy Ashton his chaplain, he did in many words thank God that he had given him a deeper insight into his offence, being sorry he had so stood upon his justification at his arraignment: since which time, he said, he was become a new man, and heartily thanked God also that his course was by God's providence prevented. For, if his project had taken

effect, "God knoweth," said he, "what harm it had wrought in the realm."

He did also humbly thank her Majesty, that he should die in so private a manner, for he suffered in the Tower-yard, and not upon the hill, by his own special suit, lest the acclamation of the people, for those were his own words, might be a temptation to him: adding, that all popularity and trust in man was vain, the experience whereof himself had felt: and acknowledged farther unto them, that he was justly and worthily spewed out, for that was also his own word, of the realm, and that the nature of his offence was like a leprosy that had infected far and near. And so likewise, at the public place of his suffering, he did use vehement detestation of his offence, desiring God to forgive him his great, his bloody, his crying, and his infectious sin: and so died very penitently, but yet with great conflict, as it should seem, for his sins. For he never mentioned, nor remembered there, wife, children, or friend, nor took particular leave of any that were present, but wholly abstracted and sequestered himself to the state of his conscience and prayer.

The effect of that which passed at the arraignments of Sir CHRISTOPHER BLUNT, *Sir* CHARLES DAVERS, *Sir* JOHN DAVIS, *Sir* GILLY MERICK, *and* HENRY CUFFE.

The fifth of March, by a very honourable commission of Oyer and Terminer, directed to the lord high admiral, the lord chamberlain, Mr. Secretary, the lord chief justice of England, Mr. Chancellor of the Exchequer, Mr. Secretary Herbert, with divers of the judges, the commissioners sitting in the court of the Queen's Bench, there were arraigned and tried by a jury both of aldermen of London, and other gentlemen of good credit and sort, Sir Christopher Blunt, Sir Charles Davers, Sir John Davis, Sir Gilly Merick, and Henry Cuffe. The three first whereof, before they pleaded, asked this question of the judges: Whether they might not confess the indictment in part, and plead not guilty to it in the other part? But being resolved by the judges that their pleading must be general; they pleaded Not Guilty, as did likewise the other two, without any such question asked. The reason of that question was, as they confessed, in respect of the clause laid in the indictment; That they intended and compassed the death and destruction of the queen's Majesty; unto whose person, although they confessed at the bar, as they had done in their examinations, that their meaning was to come to her in such strength, as they should not be resisted, and to require of her divers conditions and alterations of government, such as in their confessions are expressed, nevertheless they protested, they intended no personal harm to herself. Whereupon as at the arraignment of the two earls, so then again the judges delivered the rule of the law; that the wisdom and foresight of the laws of this land maketh this judgment, That the subject that rebelleth or riseth in forcible manner to overrule the royal will and power of the king, intendeth to deprive the king both of crown and life: and that the law judgeth not of the fact by the intent, but of the intent by the fact. And the queen's counsel did again enforce that point, setting forth that it was no mystery or quiddity of the common law, but it was a conclusion infallible of reason and experience; for that the crown was not a ceremony or garland, but consisted of pre-eminence and power.

And therefore, when the subject will take upon him to give law to the king, and to make the power sovereign and commanding to become subject and commanded; such subject layeth hold of the crown, and taketh the sword out of the king's hands. And that the crown was fastened so close upon the king's head, that it cannot be pulled off, but that head, and life, and all will follow; as all examples, both in foreign stories and here at home, do make manifest. And therefore, when their words did protest one thing, and their deeds did testify another, they were but like the precedent of the protestation used by Manlius the lieutenant of Catiline, that conspired against the state of Rome, who began his letter to the senate with these words: "Deos hominesque testor, patres conscripti, nos nihil aliud," etc.

And it was said farther, that admitting their protestations were so far true, that they had not at that time in their minds a formed and distinct cogitation to have destroyed the queen's person; yet nothing was more variable and mutable than the mind of man, and specially Honores mutant mores: when they were once aloft and had the queen in their hands, and were peers in my lord of Essex his parliament, who could promise of what mind they would then be? especially when my lord of Essex at his arraignment had made defence of his first action of imprisoning the privy counsellors, by pretence that he was enforced to it by his unruly company. So that if themselves should not have had, or would not seem to have had, that extreme and devilish wickedness of mind, as to lay violent hands upon the queen's sacred person; yet, what must be done to satisfy the multitude and secure their party, must be then the question: wherein the example was remembered of Richard the third, who, though he were king in possession, and the rightful inheritors but infants, could never sleep quiet in his bed, till they were made away. Much less would a Catilinary knot and combination of rebels, that did rise without so much as the fume of a title, ever endure, that a queen that had been their sovereign, and had reigned so many years in such renown and policy, should be longer alive than made for their own turn. And much speech was used to the same end. So that in the end all those three at the bar said, that now they were informed, and that they descended into a deeper consideration of the matter, they were sorry they had not confessed the indictment. And Sir Christopher Blunt, at the time of his suffering, discharged his conscience in plain terms, and said publicly before all the people, that he saw plainly with himself, that if they could not have obtained all that they would, they must have drawn blood even from the queen herself.

The confession of Blunt at his death which is set down in the end.

The evidence given in against them three, was

principally their own confessions, charging every one himself, and the other, and the rest of the evidence used at the arraignment of the late earls, and mentioned before: save that, because it was perceived, that that part of the charge would take no labour nor time, being plain matter and confessed, and because some touch had been given in the proclamation, of the treasons of Ireland, and chiefly because Sir Christopher Blunt was marshal of the army in Ireland, and most inward with my lord in all his proceedings there; and not so only, but farther in the confession of Thomas Lee it was precisely contained, that he knew the earl of Essex, and Tyrone, and Blunt the marshal, to be all one, and to run one course; it was thought fit to open some part of the treasons of Ireland, such as were then known. Which very happily gave the occasion for Blunt to make that discovery of the purpose to have invaded the realm with the army of Ireland: which he then offered, and afterwards uttered, and in the end sealed with his blood, as is hereafter set down.

Against Cuffe was given in evidence, both Sir Charles Davers's confession, who charged him, when there was any debating of the several enterprises which they should undertake, that he did ever bind firmly and resolutely for the court; and the accusation under the earl's hand, avouched by him to his face, that he was a principal instigator of him in his treasons; but especially a full declaration of Sir Henry Neville's, which describeth and planteth forth the whole manner of his practising with him.

The fellow, after he had made some introduction, by an artificial and continued speech, and some time spent in sophistical arguments, descended to these two answers: the one, For his being within Essex-house that day, the day of the rebellion, they might as well charge a lion within a grate with treason, as him; and for the consultation at Drury-house, it was no more treason than the child in the mother's belly is a child. But it was replied, that for his being in the house, it was not compulsory, and that there was a distribution in the action, of some to make good the house, and some to enter the city, and the one part held correspondent to the other, and that in treasons there were no accessaries, but all principals.

And for the consultation at Drury-house, it was a perfect treason in itself, because the compassing of the king's destruction, which by judgment of law was concluded and implied in that consultation, was treason in the very thought and cogitation, so as that thought be proved by an overt act: and that the same consultation and debating thereupon was an overt act, though it had not been upon a list of names, and articles in writing, much more being upon matter in writing.

And again: the going into the city was a pursuance and inducement of the enterprise to possess the court, and not a desisting or departure from it.

And lastly, it was ruled by the judges for law, That if many do conspire to execute treason against the prince in one manner, and some of them do execute it in another manner, yet their act, though differing in the manner, is the act of all them that conspire, by reason of the general malice of the intent.

Against Sir Gilly Merick the evidence that was given, charged him chiefly with the matter of the open rebellion, that he was as captain or commander over the house, and took upon him charge to keep it, and make it good as a place of retreat for those which issued into the city, and fortifying and barricading the same house, and making provision of muskets, powder, pellets, and other munition and weapons for the holding and defending of it, and as a busy, forward, and noted actor in that defence and resistance, which was made against the queen's forces brought against it by her Majesty's lieutenant.

And farther to prove him privy to the plot, it was given in evidence, that some few days before the rebellion, with great heat and violence he had displaced certain gentlemen lodged in a house fast by Essex-house, and there planted divers of my lord's followers and complices, all such as went forth with him in the action of rebellion.

That the afternoon before the rebellion, Merick, with a great company of others that afterwards were all in the action, had procured to be played before them the play of deposing king Richard the second.

Neither was it casual, but a play bespoken by Merick.

And not so only, but when it was told him by one of the players, that the play was old, and they should have lost in playing it, because few would come to it; there were forty shillings extraordinary given to play it, and so thereupon played it was.

So earnest he was to satisfy his eyes with the sight of that tragedy, which he thought soon after his lordship should bring from the stage to the state, but that God turned it upon their own heads.

The speeches of Sir Christopher Blunt at his execution, are set down as near as they could be remembered, after the rest of the confessions and evidences.

Here follow the voluntary confessions themselves, such as were given in evidence at both the several arraignments, taken forth word for word out of the originals: whereby it may appear how God brought matters to light, at several times, and in several parts, all concurring in substance: and with them other declarations and parts of evidence.

The Confession of Thomas Lee, taken the 14th of February, 1600, before Sir John Peyton, Lieutenant of the Tower; Roger Wilbraham, Master of the Requests; Sir Anthony Saintleger, Master of the Rolls in Ireland; and Thomas Fleming, her Majesty's Solicitor General.

THIS examinate saith, that Tyrone sent a message to this examinate by James Knowd, whom this examinate by the marshal's warrant in writing had sent to Tyrone before himself went to Tyrone, that if the earl of Essex would follow his plot, he would make him the greatest man that ever was in Eng-

and, and that, when Essex and Tyrone should have conference together, for his assurance unto the earl of Essex, Tyrone would deliver his eldest son in pledge to the earl. And with this message this examinate made the earl of Essex acquainted before he coming to this examinate's house, at that time when this examinate was sent to Tyrone.

This examinate saith, he knew that Essex, Tyrone, and the marshal Sir Christopher Blunt, were all one, and held all one course.

THOMAS LEE.

Exam. per JOHN PEYTON,
ROGER WILBRAHAM,
ANTHONY SAINTLEGER,
THOMAS FLEMING.

The Declaration of Sir William Warren, 3 Octobris, 1599.

The earl of Essex came the same day to the court in England.

THE said Sir William came to Armagh the last Friday, being the twenty-eighth of September: from thence he sent a messenger in the night to Tyrone to Dungannon, signifying his coming to Armagh, as aforesaid, and that the next morning he would meet Tyrone at the fort of Blackwater: where accordingly the said Tyrone met with him; and after other speeches, by farther discourse the said Tyrone told the said Sir William, and delivered it with an oath, that within these two months he should see the greatest alteration, and the strangest, that he the said Sir William could imagine, or ever saw in his life: and said, that he hoped, before it was long, that he the said Tyrone should have a good share in England: which speeches of the alteration Tyrone reiterated two or three several times.

WILLIAM WARREN.

Certified from the council of Ireland to the lords of the council here.

The Declaration of Thomas Wood, 20 Januarii, 1599, taken before the Lord Buckhurst, Lord High Treasurer; the Earl of Nottingham, Lord High Admiral; Sir Robert Cecil, Principal Secretary; and Sir J. Fortescue, Chancellor of the Exchequer.

THE said Wood said, that happening to be with the lord Fitzmorris baron of Licksnaw, at his house at Licksnaw, between Michaelmas and Alhallowtide last, the said baron walking abroad with the said Wood, asked of him what force the earl of Essex was of in England; he answered he could not tell, but said he was well beloved of the commonalty. Then said the baron, that the earl was gone for England, and had discharged many of the companies of Ireland, and that it was agreed that he should be king of England, and Onele to be viceroy of Ireland; and whensoever he should have occasion, and would send for them, Onele should send him eight thousand men out of Ireland. The said Wood asked the baron, how he knew that? He answered, that the earl of * Desmond had written to him so much.

THOMAS WOOD.

Confessed in the presence of THOMAS BUCKHURST,
NOTTINGHAM,
ROBERT CECIL,
JOSEPH FORTESCUE.

* The titulary earl that is in rebellion.

The Confession of James Knowd, taken the 16th of February 1600, before Sir Anthony Saintleger, Master of the Rolls in Ireland; and Roger Wilbraham, Master of the Requests.

OWNEY MAC RORY having secret intelligence of the friendship between the earl of Essex and Tyrone, wrote to Tyrone, desiring him to certify him thereof, whereby he might frame his course accordingly, and not do any thing contrary to their agreement; which letter myself did write by Owney's appointment, for then I was in credit with him; in which letter he also desired Tyrone to send him some munition. The letter with instructions to that effect, was in my presence delivered to one Turlagh Mac Davy O'Kelly, a man of secrecy, sufficiency, and trust with Owney; and he carried it to Tyrone: before whose return Owney grew suspicious of me, because I sometimes belonged to Mr. Bowen, and therefore they would not trust me, so as I could not see the answer: but yet I heard by many of their secret council, that the effect thereof was, That the earl of Essex should be king of England, and Tyrone of Ireland.

Afterwards I met with Turlagh Mac Davy, the messenger aforesaid, and asked him whether he brought an answer of the letter from Tyrone. He said he did, and delivered it to Owney. And then I asked him what he thought of the wars. He told me he had good hope the last year, and had none this year: his reason was, as he said, that the earl of Essex was to take their part, and they should aid him towards the conquest of England; and now they were hindered thereof by means of his apprehension.

I, dwelling with the tanist of the country, my mother's cousin german, heard him speak sundry times, that now the earl of Essex had gotten one of the swords, he would never forego his government until he became king of England, which was near at hand.

I saw a letter which the earl of Essex writ to Owney, to this effect; That if Owney came to him, he would speak with him about that, which if he would follow, should be happy for him and his country.

JAMES KNOWD.

Exam. per ANTHONY SAINTLEGER,
ROGER WILBRAHAM.

The Declaration of David Hethrington, an ancient Captain and Servitor in Ireland; 6th of January, 1599, taken before the Lord Buckhurst, Lord High Treasurer; the Earl of Nottingham, Lord High Admiral; Sir Robert Cecil, Principal Secretary; and Sir John Fortescue, Chancellor of the Exchequer.

HE, the said David Hethrington, riding into the edge of the county of Kildare, about the end of the first cessation, fortuned to meet with one James Occurren, one of the horsemen of Master Bowen provost marshal of Lemster, who told him, that the said James Occurren meeting lately with a principal follower of Owney Mac Rory, chief of the Moores, Owney's man asked him what news he heard of the earl of Essex? To which James Occurren answered,

that he was gone for England: whereunto he said, Nay, if you can tell me no news, I can tell you some; the earl of Essex is now in trouble for us, for that he would do no service upon us; which he never meant to do, for he is ours, and we are his.

DAVID HETHRINGTON.

Confessed in the presence of THOMAS BUCKHURST,
NOTTINGHAM,
RO. CECIL,
JO. FORTESCUE.

The first Confession of Sir Ferdinando Gorge, Knight, the 16th of February, 1600, taken before Sir Thomas Egerton, Lord Keeper of the Great Seal; the Lord Buckhurst, Lord High Treasurer; the Earl of Nottingham, Lord High Admiral; and Sir Robert Cecil, Principal Secretary.

He saith, the earl of Essex wrote a letter to him in January, complaining of his misfortune: that he desired his company, and desired his repair up to him by the second of February; that he came to town on Saturday seven-night before the earl's insurrection, and that the same night late he visited the earl: who, after compliments, told him that he stood on his guard, and resolved not to hazard any more commandments or restraints; that he desired him to rest him that night, and to repair unto him again, but in such sort as it might not be noted.

That he had been with the earl two or three times that week; and on Saturday, being the seventh of February, the earl told him that he had been sent for by the lords, and refused to come: delivering farther, that he resolved to defend himself from any more restraint.

He farther saith, that it was in question the same Saturday night, to have stirred in the night, and to have attempted the court. But being demanded, whether the earl could have had sufficient company to have done any thing in the night: he answered, that all the earl's company were ready at one hour's warning, and had been so before, in respect that he had meant long before to stand upon his guard.

That it was resolved to have the court first attempted; that the earl had three hundred gentlemen to do it; but that he the said Ferdinando Gorge was a violent dissuader of him from that purpose, and the earl most confident in the party of London, which he meant, upon a later dispute, first to assure; and that he was also assured of a party in Wales, but meant not to use them, until he had been possessed of the court.

That the earl and Sir Christopher Blunt understanding that Sir Walter Raleigh had sent to speak with him in the morning, the said Sir Christopher Blunt persuaded him, either to surprise Sir Walter Raleigh, or to kill him. Which when he utterly refused, Sir Christopher Blunt sent four shot after him in a boat.

That at the going out of Essex-house gate, many cried out, To the court, to the court. But my lord of Essex turned him about towards London.

That he meant, after possession of the court, to call a parliament, and therein to proceed as cau should require.

At that time of the consultation on Saturday nigh my lord was demanded, what assurance he had those he made account to be his friends in the city Whereunto he replied, that there was no question be made of that, for one, among the rest, that w presently in one of the greatest commands among them, held himself to be interested in the cause, f so he phrased it, and was colonel of a thousand me which were ready at all times; besides others th he held himself as assured of, as of him, and able make as great numbers. Some of them had at th instant, as he reported to us, sent unto him, taki notice of as much as he made us to know of t purpose intended to have entrapped him, and ma request to know his pleasure.

FERD. GORGE.

Exam. per THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL.

The second Confession of Sir Ferdinando Gorg the 18th of February, 1600, all written of h own hand; and acknowledged in the presence Sir Thomas Egerton, Lord Keeper of the Gre Seal; the Lord Buckhurst, Lord High Tre surer; the Earl of Nottingham, Lord High A miral; and Sir Robert Cecil, Principal Secretar

On Tuesday before the insurrection, as I remem ber, I was sent unto by my lord of Essex, prayin me to meet my lord of Southampton, Sir Chari Davers, Sir John Davis, and other his friends Drury-house; where I should see a schedule of h friends' names, and projects to be disputed upo Whither I came accordingly, and found the forem earl, Sir Charles Davers, Sir John Davis, and o Mr. Littleton. The names were showed and num bered to be six score; earls, barons, knights, a gentlemen. The projects were these, whether attempt the court or the Tower, or to stir h friends in London first, or whether both the cou and Tower at an instant? I disliked that counsa My reasons were that I alleged to them, first, attempt both with those numbers, was not to b thought on, because that was not sufficient; an therefore advised them to think of somethin else. Then they would needs resolve to attem the court, and withal desired my opinion. But prayed them first to set down the manner how might be done. Then Sir John Davis took ink an paper, and assigned to divers principal men the several places; some to keep the gate, some to b in the hall, some to be in the presence, some in th lobby, some in the guard-chamber, others to come with my lord himself, who should have had th passage given him to the privy chamber, where h was to have presented himself to her Majesty.

FERD. GORGE.

Knowledged in the presence of THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL.

The Confession of Sir John Davis, taken the 18th of February, 1600, before the Earl of Nottingham, Lord High Admiral; Sir Robert Cecil, Principal Secretary; and John Herbert, Second Secretary of State.

Sir John Davis being demanded, how long before my lord Essex's tumult he knew of such his purpose?

He answers, that he knew not directly of any meaning my lord had, until the Sunday seven-night before, or thereabout.

Being demanded, what he knew? Then he answered, that my lord consulted to possess himself of the court, at such convenient time when he might find least opposition. For executing of which enterprises, and of other affairs, he appointed my lord of Southampton, Sir Charles Davers, Sir Ferdinando Gorge, and himself, to meet at Drury-house, and there to consider of the same, and such other projects as his lordship delivered them: and principally, for surprising of the court, and for the taking of the Tower of London. About which business they had two meetings, which were five or six days before the insurrection.

He farther saith, that Sir Christopher Blunt was not at this consultation, but that he stayed and advised with my lord himself about other things to him unknown: for that my lord trusted several men in several businesses, and not all together.

Being demanded, what was resolved in the opinions of these four before named? He saith, that Sir Charles Davers was appointed to the presence-chamber, and himself to the hall: and that my lord was to determine himself, who should have guarded the court-gate and the water-gate. And that Sir Charles Davers, upon a signal or a watch-word, should have come out of the presence into the guard-chamber; and then some out of the hall to have met him, and so have stept between the guard and their halberds; of which guard they hoped to have found but a dozen, or some such small number.

Being asked whether he heard that such as my lord misliked should have received any violence? He saith that my lord avowed the contrary, and that my lord said, he would call them to an honourable trial, and not use the sword.

Being demanded, whether my lord thought his enemies to be Spanish, bona fide, or no? He saith, that he never heard any such speech; and if my lord used any such, it came into his head on the sudden.

Being demanded, what party my lord had in London? He saith, that the sheriff Smith was his hope, as he thinketh.

Being demanded, whether my lord promised liberty of catholic religion? He saith, that Sir Christopher Blunt did give hope of it.

JOHN DAVIS.

Exam. per NOTTINGHAM,
RO. CECIL,
J. HERBERT.

The Confession of Sir Charles Davers, taken the 18th of February, anno 1600, before Sir Thomas Egerton, Lord Keeper of the Great Seal; the Lord Buckhurst, Lord High Treasurer; the Earl of Nottingham, the Lord High Admiral; Lord Hunsdon, Lord Chamberlain; and Sir Robert Cecil, Principal Secretary.

He confesseth that before Christmas the earl of Essex had bethought himself, how he might secure his access unto the queen in such sort as he might not be resisted: but no resolution determinately taken, until the coming up of this examinate a little after Christmas.

And then he doth confess, that the resolution was taken to possess himself of the court; which resolution was taken agreeable to certain articles, which the earl of Essex did send to the earl of Southampton, this examinate, Sir Ferdinando Gorge, and Sir John Davis, written with the earl's own hand. To which consultation, being held at Drury-house, some four or five days before Sunday, that was the eighth of February, Littleton came in towards the end.

The points which the earl of Essex projected under his hand were these:

First, whether it were fit to take the Tower of London. The reason whereof was this; that after the court was possessed, it was necessary to give reputation to the action, by having such a place to bridle the city, if there should be any mislike of their possessing the court.

To the possessing of the court, these circumstances were considered:

First, the earl of Essex should have assembled all the noblemen and gentlemen of quality on his party; out of which number he should have chosen so many as should have possessed all the places of the court, where there might have been any likelihood of resistance: which being done, the earl of Essex, with divers noblemen, should have presented himself to the queen.

The manner how it should have been executed, was in this sort: Sir Christopher Blunt should have had charge of the outer gate as he thinketh. Sir Charles Davers, this examinate, with his company, should have made good the presence, and should have seized upon the halberds of the guard. Sir John Davis should have taken charge of the hall. All this being set, upon a signal given, the earl should have come into the court with his company.

Being asked, what they would have done after? he saith, They would have sent to have satisfied the city, and have called a parliament.

These were the resolutions set down by the earl of Essex of his own hand, after divers consultations.

He saith, Cuffe was ever of opinion, that the earl of Essex should come in this sort to the court.

CHARLES DAVERS.

Exam. per THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
G. HUNSDON,
RO. CECIL.

The second Confession of Sir Charles Davers, taken the same day, and set down upon farther calling himself to remembrance, under his own hand, before Sir Tho. Egerton, Lord Keeper of the Great Seal; Lord Buckhurst, Lord High Treasurer; the Earl of Nottingham, Lord High Admiral; Sir Robert Cecil, Principal Secretary.

Some points of the articles which my lord of Essex sent unto Drury-house, as near as I can remember, were these; whether both the court and the Tower should be both attempted at one time? if both, what numbers should be thought requisite for either? if the court alone, what places should be first possessed? by what persons.

And for those which were not to come into the court beforehand, where and in what sort they might assemble themselves, with least suspicion, to come in with my lord?

Whether it were not fit for my lord, and some of the principal persons, to be armed with privy coats?

CHARLES DAVERS.

Knowledged in the presence of THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
ROBERT CECIL.

The first Confession of Sir Christopher Blunt, examined the 18th of February, 1600; before Jo. Herbert, Second Secretary of Estate, and in the presence of Nic. Kempe, Counsellor at Law; William Waimarke, William Martin, Robert Andrews, citizens; John Trevor, Surveyor of the Navy, and Thomas Thorney, his Surgeon.

He confesseth that the earl of Essex sent Wiseman, about the 20th of January, to visit his wife, with letters of compliment, and to require him to come up unto him to London, to settle his estate according as he had written unto him before some few days.

Being demanded, to what end they went to the city, to join with such strength as they hoped for there? he confesseth it was to secure the earl of Essex his life, against such forces as should be sent against him. And being asked, What, against the queen's forces? he answered, That must have been judged afterwards.

But being farther asked, Whether he did advise to come unto the court over night? He saith, No; for Sir Ferdinando Gorge did assure, that the alarm was taken of it at the court, and the guards doubled.

Being asked, whether he thought any prince could have endured to have any subject make the city his mediator? or to gather force to speak for him? He saith, he is not read in stories of former times; but he doth not know but that in former times subjects have used force for their mediation.

Being asked what should have been done by any of the persons that should have been removed from the queen? He answered, that he never found my lord disposed to shed blood; but that any that should have been found, should have had indifferent trial.

Being asked upon his conscience, whether the earl of Essex did not give him comfort, that if he came to authority, there should be a toleration for religion? He confesseth, he should have been to blame to have denied it.

CHRISTOPHER BLUNT

This was read unto Sir Christopher Blunt, and afterwards signed by him in the presence of us who are under written:

JO. HERBERT, ROB ANDREWS,
NIC. KEMPE, JO TREVOR,
WIL. WAIMARKE, THO. THORNEY.
WIL. MARTIN,

The second Confession of Sir Christopher Blunt the same day, viz. the 18th of February; taken before Mr. John Herbert, Second Secretary of Estate, and subscribed by him in the presence of Nicholas Kempe, Counsellor at Law; Thomas Thorney, his Surgeon; and William Martin, Robert Andrews, and Randolph Bull, citizens.

Sir Christopher Blunt, after the signing of this confession, being told that he did not deal plainly, excused himself by his former weakness, putting us in mind that he said once before, that when he was able to speak, he would tell all truth, doth now confess; That four or five days before the earl of Essex did rise, he did set down certain articles to be considered on, which he saw not, until afterwards he was made acquainted with them, when they had amongst themselves disputed: which were these.

This weakness was in respect of his hurt received in charging her Majesty's forces at Ludgate.

One of them was, whether the Tower of London should be taken?

Another, whether they should not possess the court, and so secure my lord, and other men, to come to the queen?

For the first concerning the Tower, he did not like it; concluding, that he that had the power of the queen, should have that.

He confesseth that upon Saturday night, when Mr. Secretary Herbert had been with the earl, and that he saw some suspicion was taken, he thought it in vain to attempt the court, and persuaded him rather to save himself by flight, than to engage himself farther, and all his company. And so the resolution of the earl grew to go into the city, in hope, as he said before, to find many friends there.

He doth also say, that the earl did usually speak of his purpose to alter the government.

CHRISTOPHER BLUNT.

Exam. per JO. HERBERT.
Subscribed in the presence of

NIC. KEMPE, W. MARTIN,
THO. THORNEY, RANDOLPH BULL.
ROB. ANDREWS,

The Declaration of the Lord Keeper, the Earl of Worcester, and the Lord Chief Justice of England.

Upon Sunday, being the 8th of February last past, about ten of the clock in the forenoon, the lord keeper of the great seal, the earl of Worcester, Sir William Knowles, comptroller of her Majesty's household, and the lord chief justice of England,

being commanded by direction from the queen's Majesty, did repair to the late earl of Essex his house, and finding the gate shut against them, after a little stay they were let in at the wicket: and as soon as they were within the gate, the wicket was shut upon them, and all their servants kept out.

At their coming thither they found the court full of men assembled together in a very tumultuous sort; the earls of Essex, Rutland, and Southampton, and the lord Sandys, Mr. Parker, commonly called lord Montegle, Sir Christopher Blunt, Sir Charles Davers, and many other knights and gentlemen, and other persons unknown, which flocked together about the lord keeper, &c. And thereupon the lord keeper told the earl of Essex, that they were sent from her Majesty to understand the cause of this their assembly, and to let them know, that if they had any particular cause of grief against any persons whatsoever, it should be heard, and they should have justice.

Hereupon the earl of Essex with a very loud voice declared, That his life was sought, and that he should have been murdered in his bed; that he had been perfidiously dealt with; that his hand had been counterfeited, and letters written in his name; and that therefore they were assembled there together to defend their lives; with much other speech to like effect. Hereupon the lord chief justice said unto the earl, That if they had any such matter of grief, or if any such matter were attempted or purposed against him, he willed the earl to declare it, assuring him that it should be truly related to her Majesty, and that it should be indifferently heard, and justice should be done whomsoever it concerned.

To this the earl of Southampton objected the assault made upon him by the lord Gray. Whereunto the lord chief justice said, That in his case justice had been done, and the party imprisoned for it. And hereupon the lord keeper did eftsoons will the earl of Essex, that whatsoever private matter or offence he had against any person whatsoever, if he would deliver it unto them, they would faithfully and honestly deliver it to the queen's Majesty, and doubted not to procure him honourable and equal justice, whomsoever it concerned; requiring him, that if he would not declare it openly, that he would impart it unto them privately, and doubted not but they would satisfy him in it.

Upon this there was a great clamour raised amongst the multitude, crying, "Away, my lord, they abuse you, they betray you, they undo you, you lose time." Whereupon the lord keeper put on his hat, and said with a loud voice, "My lord, let us speak with you privately, and understand your griefs; and I command you all upon your allegiance, to lay down your weapons, and to depart, which you ought all to do, being thus commanded, if you be good subjects, and owe that duty to the queen's Majesty which you profess." Whereupon they all brake out into an exceeding loud shout and cry, crying, "All, all, all."

And whilst the lord keeper was speaking, and commanding them upon their allegiance, as is before declared, the earl of Essex and the most part of that company did put on their hats, and so the earl of Essex went into the house, and the lord keeper, &c. followed him, thinking that his purpose had been to speak with them privately as they had required. And as they were going, some of that disordered company cried, "Kill them." And as they were going into the great chamber, some cried, "Cast the great seal out at the window." Some other cried there, "Kill them;" and some other said, "Nay, let us shop them up."

The lord keeper did often call to the earl of Essex to speak with them privately, thinking still that his meaning had been so, until the earl brought them into his back chamber, and there gave order to have the farther door of that chamber shut fast. And at his going forth out of that chamber, the lord keeper pressing again to have spoken with the earl of Essex, the earl said, "My lords, be patient a while, and stay here, and I will go into London, and take order with the mayor and sheriffs for the city, and will be here again within this half hour;" and so departed from the lord keeper, &c. leaving the lord keeper, &c. and divers of the gentlemen pensioners in that chamber, guarded by Sir John Davis, Francis Tresham, and Owen Salisbury, with musquetshot, where they continued until Sir Ferdinando Gorge came and delivered them about four of the clock in the afternoon.

In the mean time, we did often require Sir John Davis, and Francis Tresham, to suffer us to depart, or at least to suffer some one of us to go to the queen's majesty, to inform her where and in what sort we were kept. But they answered, That my lord, meaning the earl of Essex, had commanded that we should not depart before his return, which, they said, would be very shortly.

THOMAS EGERTON, C. S.
EDWARD WORCESTER.
JOHN POPHAM.

The Examination of Roger Earl of Rutland, the 12*th of February,* 1600, *taken before Sir Thomas Egerton, Lord Keeper of the Great Seal; the Lord Buckhurst, Lord High Treasurer; the Earl of Nottingham, Lord High Admiral; Sir Robert Cecil, Principal Secretary; and Sir Jo. Popham, Lord Chief Justice of England.*

He saith, that at his coming to Essex-house on Sunday morning last, he found there with the earl of Essex, the lord Sandys, and the lord Chandos, and divers knights and gentlemen. And the earl of Essex told this examinate, that his life was practised to be taken away by the lord Cobham, and Sir Walter Raleigh, when he was sent for to the council; and the earl said, that now he meant by the help of his friends to defend himself: and saith, that the detaining of the lord keeper and other lords sent to the earl from the queen, was a stratagem of war; and saith, That the earl of Essex told him that London stood for him, and that sheriff Smith had given him intelligence, that he would make as many men to assist him as he could; and farther the earl of Essex

said, that he meant to possess himself of the city, the better to enable himself to revenge him on his enemies, the lord Cobham, Sir Robert Cecil, and Sir Walter Raleigh. And this examinate confesseth, That he resolved to live and die with the earl of Essex; and that the earl of Essex did intend to make his forces so strong, that her Majesty should not be able to resist him in the revenge of his enemies. And saith, That the earl of Essex was most inward with the earl of Southampton, Sir Christopher Blunt, and others; who have of long time showed themselves discontented, and have advised the earl of Essex to take other courses, and to stand upon his guard: and saith, That when the earl of Essex was talking with the lord keeper, and other the lords sent from her Majesty, divers said, "My lord, they mean to abuse you, and you lose time." And when the earl came to sheriff Smith's, he desired him to send for the lord mayor that he might speak with him; and as the earl went in the streets of London, this examinate said to divers of the citizens, that if they would needs come, that it was better for their safety to come with weapons in their hands: and saith, That the earl of Essex, at the end of the street where sheriff Smith dwelt, cried out to the citizens, that they did him harm, for that they came naked; and willed them to get them weapons; and the earl of Essex also cried out to the citizens, that the crown of England was offered to be sold to the infanta: and saith, That the earl burned divers papers that were in a little casket, whereof one was, as the earl said, a history of his troubles: and saith, That when they were assaulted in Essex-house, after their return, they first resolved to have made a sally out; and the earl said, that he was determined to die; and yet in the end they changed their opinion, and yielded: and saith, That the earl of Southampton, Sir Christopher Blunt, and Sir John Davis advised the earl of Essex, that the lord keeper and his company should be detained: and this examinate saith, That he heard divers there present cry out, "Kill them, kill them:" and saith, That he thinketh the earl of Essex intended, that after he had possessed himself of the city, he would entreat the lord keeper and his company to accompany him to the court. He saith, he heard Sir Christopher Blunt say openly, in the presence of the earl of Essex and others, how fearful, and in what several humours they should find them at the court, when they came thither.

RUTLAND.

Exam. per. TH. EGERTON, C. S.
T. BUCKHURST,
NOTTINGHAM,
RO. CECIL,
JO. POPHAM.

The Confession of William Lord Sandys, of the parish of Sherborne-Cowdry in the county of Southampton, taken this 16th of February, 1600, before Sir John Popham, Lord Chief Justice; Roger Wilbraham, Master of the Requests, and Edward Coke, her Majesty's Attorney-general.

He saith, That he never understood that the earl did mean to stand upon his strength till Sunday in the morning, being the 8th of this instant February and saith, That in the morning of that day this examinate was sent for by the earl of Essex about six or seven of the clock: and the earl sent for him by his servant Warburton, who was married to a widow in Hampshire. And at his coming to the earl there were six or seven gentlemen with him, but remembereth not what they were; and next after of a nobleman, came my lord Chandos, and after him came the earl of Southampton, and presently after the earl of Rutland, and after him Mr. Parker, commonly called the lord Montegle: and saith, That at his coming to the earl of Essex, he complained that it was practised by Sir Walter Raleigh to have murdered him as he should have gone to the lord treasurer's house with Mr. Secretary Herbert. And saith, that he was present in the court yard of Essex house, when the lord keeper, the earl of Worcester, Sir William Knolles, and the lord chief justice came from the queen's Majesty to the earl of Essex and the lord chief justice required the earl of Essex to have some private conference with him; and that if any private wrongs were offered unto him that they would make true report thereof to her Majesty, who, no doubt, would reform the same and saith, That this examinate went with the earl and the rest of his company, to London to sheriff Smith's, but went not into the house with him, but stayed in the street a while: and being sent for by the earl of Essex, went into the house, and from thence came with him till he came to Ludgate which place being guarded, and resistance being made, and perceived by the earl of Essex, he said unto his company, "Charge;" and thereupon Sir Christopher Blunt and others of his company gave the charge, and being repulsed, and this examinate hurt in the leg, the earl retired with this examinate and others to his house called Essex-house. And on his retire, the earl said to this examinate, That if sheriff Smith did not his part, that his part was as far forth as the earl's own; which moved him to think that he trusted to the city. And when the earl was, after his retire, in Essex-house, he took an iron casket, and broke it open, and burnt divers papers in it; whereof there was a book, as he taketh it, and said, as he was burning of them, that they should tell no tales to hurt his friends: and saith, That the earl said, that he had a black bag about his neck that should tell no tales.

WILLIAM SANDYS.

Exam. per JO. POPHAM,
ROGER WILBRAHAM,
EDW. COKE.

The Examination of the Lord Cromwell, taken the 7th of March, 1600, by Sir J. Popham, Lord Chief Justice; Christ. Yelverton, her Majesty's Serjeant; and Fr. Bacon, of her Majesty's learned counsel.

* At the sheriff's house this examinate pressed in

* This examination, as appeareth by the date, was taken after Essex's arraignment, but is inserted, to show how the speech, of the realm to be sold to the infanta, which at his arraignment he derived from Mr. Secretary, at sheriff Smith's house he said was advertised out of Ireland: and with the latter concur many other examinations.

ith the rest, and found the earls shifting themlves in an inner chamber, where he heard my lord Essex certify the company, that he had been adrtised out of Ireland, which he would not now ie from them, that the realm should be delivered er to the hands of the infanta of Spain, and that was wished to look to it; farther, that he was to k redress for injuries; and that he had left at his use for pledges, the lord keeper, the earl of Worter, Sir William Knolles, and the lord chief tice.

EDW. CROMWELL.

Exam. per JO. POPHAM,
CHR. YELVERTON,
FR. BACON.

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r Christopher Blunt, Knight, at the time of his Arraignment, did openly at the bar desire to speak with the Lord Admiral and Mr. Secretary; before whom he made this Confession following: which the Earl of Southampton confirmed afterwards, and he himself likewise at his death.

He confesseth, That at the castle of Dublin, in st lodging which was once the earl of Southampt's, the earl of Essex purposing his return into gland, advised with the earl of Southampton and nself, of his best manner of going into England his security, seeing to go he was resolved.

At that time he propounded his going with a comtent number of soldiers, to the number of two or ree thousand, to have made good his first landing th that force, until he could have drawn unto himf a sufficient strength to have proceeded farther.

From this purpose this examinate did use all forle persuasions, alleging not only his own ruin, hich should follow thereof, and all those which ould adhere to him in that action; but urging it him as a matter most foul, because he was not ly held a patron of his country, which by this ans he should have destroyed; but also should ve laid upon himself an irrevocable blot, having en so deeply bound to her Majesty. To which asion the earl of Southampton also inclined.

This design being thus dissuaded by them, then ey fell to a second consideration: and therein this aminate confesseth, That he rather advised him, needs he would go, to take with him some comtent number of choice men.

He did not name unto him any particular power at would have come to him at his landing, but sured himself that his army would have been ickly increased by all sorts of discontented people.

He did confess before his going, That he was asured that many of the rebels would be advised by im, but named none in particular.

The Examination of the Earl of Southampton after his Arraignment; taken before the Earl of Nottingham, Lord High Admiral; Sir Robert Cecil, Principal Secretary; and Mr. John Herbert, Second Secretary of Estate.

Sir Christopher Blunt being hurt, and lying in the castle of Dublin, in a chamber which had been mine, the earl of Essex one day took me thither with him, where being none but we three, he told us, He found it necessary for him to go into England, and thought it fit to carry with him as much of the army as he could conveniently transport, to go on shore with him to Wales, and there to make good his landing with those, till he could send for more; not doubting but his army would so increase in a small time, that he should be able to march to London, and make his conditions as he desired.

To which project I answered, That I held it altogether unfit, as well in respect of his conscience to God, and his love to his country, as his duty to his sovereign, of which he, of all men, ought to have greatest regard, seeing her Majesty's favours to him had been so extraordinary: wherefore I could never give any consent unto it. Sir Christopher Blunt joined with me in this opinion.

Exam. per NOTTINGHAM,
RO. CECIL,
J. HERBERT.

The Speech of Sir Christopher Blunt, at the time of his death, as near as it could be remembered, March 18, 1600.

My lords, and you that be present, although I must confess, that it were better fitting the little time I have to breathe, to bestow the same in asking God forgiveness for my manifold and abominable sins, than to use any other discourse, especially having both an imperfection of speech, and, God knows, a weak memory, by reason of my late grievous wound: yet to satisfy all those that are present what course hath been held by me in this late enterprise, because I was said to be an instigator and setter-on of the late earl, I will truly, and upon the peril of my soul, speak the truth.

It is true, that the first time that ever I understood of any dangerous discontentment in my lord of Essex, was about three years ago, at Wanstead, upon his coming one day from Greenwich. At that time he spake many things unto me, but descended into no particulars, but in general terms.

After which time he never brake with me in any matter tending to the alteration of the state, I protest before God, until he came into Ireland, other than I might conceive, that he was of an ambitious and discontented mind. But when I lay at the castle of Thomas Lee, called Reban, in Ireland, grievously hurt, and doubted of my life, he came to visit me, and then began to acquaint me with his intent.

[As he thus spake, the sheriff began to interrupt him, and told him the hour was past. But my lord Gray, and Sir Walter Raleigh captain of the guard, called to the sheriff, and required him not to interrupt him, but to suffer him quietly to finish his prayers and confessions. Sir Christopher Blunt said, Is Sir Walter Raleigh there? Those on the scaffold answered, Yea. To whom Sir Christopher Blunt spake on this manner:]

Sir Walter Raleigh, I thank God that you are present: I had an infinite desire to speak with you,

to ask your forgiveness ere I died, both for the wrong done you, and for my particular ill intent towards you: I beseech you forgive me.

Sir Walter Raleigh answered, That he most willingly forgave him, and besought God to forgive him, and to give him his divine comfort: protesting before the Lord, That whatsoever Sir Christopher Blunt meant towards him, for his part he never had any ill intent towards him: and farther said to Sir Christopher Blunt, "I pray you without offence let me put you in mind that you have been esteemed, not only a principal provoker and persuader of the earl of Essex in all his undutiful courses, but especially an adviser in that which hath been confessed of his purpose to transport a great part of her Majesty's army out of Ireland into England, to land at Milford, and thence to turn it against her sacred person. You shall do well to tell the truth, and to satisfy the world." To which he answered thus:

Sir, if you will give me patience, I will deliver a truth, speaking now my last, in the presence of God, in whose mercy I trust. [And then he directed himself to my lord Gray and my lord Compton, and the rest that sat on horseback near the scaffold.]

When I was brought from Reban to Dublin, and lodged in the castle, his lordship and the earl of Southampton came to visit me: and to be short, he began thus plainly with me: That he intended to transport a choice part of the army of Ireland into England, and land them in Wales, at Milford or thereabouts; and so securing his descent thereby, would gather such other forces as might enable him to march to London. To which I protest before the Lord God, I made this or the like answer: That I would that night consider of it; which I did.

And the next day the earls came again: I told them, That such an enterprise, as it was most dangerous, so would it cost much blood, as I could not like of it; besides many hazards, which at this time I cannot remember unto you, neither will the time permit it. But I rather advised him to go over himself with a good train, and make sure of the court, and then make his own conditions.

And although it be true, that, as we all protested in our examinations and arraignments, we never resolved of doing hurt to her Majesty's person, for in none of our consultations was there set down any such purpose; yet, I know, and must confess, if we had failed of our ends, we should, rather than have been disappointed, even have drawn blood from herself. From henceforward he dealt no more with me herein, until he was discharged of his keeper at Essex-house. And then, he again asked mine advice, and disputed the matter with me; but resolved not. I went then into the country, and before he sent for me, which was some ten days before his rebellion, I never heard more of the matter. And then he wrote unto me to come up, upon pretence of making some assurances of land, and the like. I will leave the rest unto my confessions, giving to that honourable lord admiral, and worthy Mr. Secretary, to whom I beseech you, Sir Walter Raleigh, commend me; I can requite their favourable and charitable dealing with me, with nought else but my prayers for them. And I beseech God of his mercy, to save and preserve the queen, who hath given comfort to my soul, in that I hear she hath forgiven me all, but the sentence of the law, which I most worthily deserved, and do most willingly embrace; and hope that God will have mercy and compassion on me, who have offended him as many ways as ever sinful wretch did. I have led a life so far from his precepts, as no sinner more. God forgive it me, and forgive me my wicked thoughts, my licentious life, and this right arm of mine, which, I fear me, hath drawn blood in this last action. And I beseech you all bear witness, that I die a catholic, yet so, as I hope to be saved only by the death and passion of Christ, and by his merits, not ascribing any thing to mine own works. And I trust you are all good people, and your prayers may profit me. Farewell, my worthy lord Gray, and my lord Compton, and to you all; God send you both to live long in honour. I will desire to say a few prayers, and embrace my death most willingly.

With that he turned from the rail towards the executioner; and the minister offering to speak with him, he came again to the rail, and besought that his conscience might not be troubled, for he was resolved; which he desired for God's sake. Whereupon commandment was given, that the minister should not interrupt him any farther. After which he prepared himself to the block, and so died very manfully and resolutely.

An Abstract out of the Earl of Essex's Confession under his own hand.

Upon Saturday the twenty-first of February, after the late earl of Essex had desired us to come to him, as well to deliver his knowledge of those treasons, which he had formerly denied at the bar, as also to recommend his humble and earnest request, that her Majesty would be pleased, out of her grace and favour, to suffer him to die privately in the Tower; he did marvellous earnestly desire, that we would suffer him to speak unto Cuffe his secretary: against whom he vehemently complained unto us, to have been a principal instigator to these violent courses which he had undertaken. Wherein he protested that he chiefly desired that he might make it appear that he was not the only persuader of those great offences which they had committed; but that Blunt, Cuffe, Temple, besides those other persons who were at the private conspiracy at Drury-house, to which, though these three were not called, yet they were privy, had most malicious and bloody purposes to subvert the state and government; which could not have been prevented, if his project had gone forward.

This request being granted him, and Cuffe brought before him, he there directly and vehemently charged him; and among other speeches used these words: "Henry Cuffe, call to God for mercy, and to the queen, and deserve it by declaring truth. For I, that must now prepare for another world, have resolved to deal clearly with God and the world: and must needs say this to you; You have been one

of the chiefest instigators of me to all these my disloyal courses into which I have fallen."

Testified by THO. EGERTON, C. S.
THO. BUCKHURST,
NOTTINGHAM,
RO. CECIL.

The Earl of Essex his Confession to three Ministers, whose names are underwritten, the 25th of February, 1600.

The late earl of Essex thanked God most heartily, that he had given him a deeper insight into his offence, being sorry he had so stood upon his justification at his arraignment, for he was since that become another man.

He thanked God that his course was so prevented; for if his project had taken effect, God knows, said he, what harm it had wrought in the realm.

He humbly thanked her Majesty, that he should die in so private a manner, lest the acclamation of the people might have been a temptation unto him. To which he added, that all popularity and trust in man was vain: the experience whereof himself had felt.

He acknowledged with thankfulness to God, that he was thus justly spewed out of the realm.

He publicly in his prayer and protestation, as also privately, aggravated the detestation of his offence; and especially in the hearing of them that were present at the execution, he exaggerated it with four epithets, desiring God to forgive him his great, his bloody, his crying, and his infectious sin: which word infectious he privately had explained to us, that it was a leprosy that had infected far and near.

THOMAS MONFORD,
WILLIAM BARLOW,
ABDY ASHTON, his chaplain.

THE APOLOGY

OF

SIR FRANCIS BACON,

IN CERTAIN

IMPUTATIONS CONCERNING THE LATE EARL OF ESSEX.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORD

THE EARL OF DEVONSHIRE, LORD LIEUTENANT OF IRELAND.

It may please your good lordship, I cannot be ignorant, and ought to be sensible of the wrong which I sustain in common speech, as if I had been false or unthankful to that noble, but unfortunate lord, the earl of Essex: and for satisfying the vulgar sort, I do not so much regard it; though I love a good name, but yet as an handmaid and attendant of honesty and virtue. For I am of his opinion that said pleasantly, "That it was a shame to him that was a suitor to the mistress to make love to the waiting-woman;" and therefore to woo or court common fame, otherwise than it followeth on honest courses, I, for my part, find not myself fit or disposed. But, on the other side, there is no worldly thing that concerneth myself, which I hold more dear than the good opinion of certain persons; among which there is none I would more willingly give satisfaction unto than to your lordship. First, because you loved my lord of Essex, and therefore will not be partial towards me, which is part of that I desire: next, because it hath ever pleased you to show yourself to me an honourable friend, and so no baseness in me to seek to satisfy you: and lastly, because I know your lordship is excellently grounded in the true rules and habits of duties and moralities, which must be they which shall decide this matter; wherein, my lord, my defence needeth to be but simple and brief; namely, that whatsoever I did concerning that action and proceeding, was done in my duty and service to the queen and the state; in which I would not show myself false-hearted nor faint-hearted, for any man's sake living. For every honest man that hath his heart well planted, will forsake his king rather than forsake God, and forsake his friend rather than forsake his king; and yet will forsake any earthly commodity, yea, and his own life in some cases, rather than forsake his friend. I hope the world hath not forgotten these degrees, else the heathen saying, "Amicus usque ad aras," shall judge them.

And if any man shall say, I did officiously intrude myself into that business, because I had no ordinary place; the like may be said of all the business in effect that passed the hands of the learned counsel, either of states or revenues, these many years, wherein I was continually used. For, as your lord-

ship may remember, the queen knew her strength so well, as she looked her word should be a warrant; and, after the manner of the choicest princes before her, did not always tie her trust to place, but did sometime divide private favour from office. And I for my part, though I was not so unseen in the world, but I knew the condition was subject to envy and peril; yet because I knew again she was constant in her favours, and made an end where she began; and especially because she upheld me with extraordinary access, and other demonstrations of confidence and grace, I resolved to endure it in expectation of better. But my scope and desire is, that your lordship would be pleased to have the honourable patience to know the truth, in some particularity, of all that passed in this cause, wherein I had any part, that you may perceive how honest a heart I ever bare to my sovereign, and to my country, and to that nobleman, who had so well deserved of me, and so well accepted of my deservings, whose fortune I cannot remember without much grief. But for any action of mine towards him, there is nothing that passed me in my life-time, that cometh to my remembrance with more clearness, and less check of conscience: for it will appear to your lordship, that I was not only not opposite to my lord of Essex, but that I did occupy the utmost of my wits, and adventure my fortune with the queen, to have redintegrated his, and so continued faithfully and industriously, till his last fatal impatience, for so I will call it, after which day there was not time to work for him: though the same, my affection, when it could not work on the subject proper, went to the next, with no ill effect towards some others, who, I think, do rather not know it, than not acknowledge it. And this I will assure your lordship, I will leave nothing untold, that is truth, for any enemy that I have, to add; and on the other side, I must reserve much which makes for me, in many respects of duty, which I esteem above my credit: and what I have here set down to your lordship, I protest, as I hope to have any part in God's favour, is true.

It is well known, how I did many years since dedicate my travels and studies to the use, and as I may term it, service of my lord of Essex, which, I protest before God, I did not, making election of him as the likeliest mean of mine own advancement, but out of the humour of a man, that ever from the time I had any use of reason, whether it were reading upon good books, or upon the example of a good father, or by nature, I loved my country more than was answerable to my fortune; and I held at that time my lord to be the fittest instrument to do good to the state, and therefore I applied myself to him in a manner which I think happeneth rarely among men: for I did not only labour carefully and industriously in that he set me about, whether it were matter of advice or otherwise, but, neglecting the queen's service, mine own fortune, and in a sort my vocation, I did nothing but advise and ruminate with myself, to the best of my understanding, propositions and memorials of any thing that might concern his lordship's honour, fortune, or service. And when, not long after I entered into this course, my brother Mr. Anthony Bacon came from beyond the seas, being a gentleman whose ability the world taketh knowledge of for matters of state, especially foreign, I did likewise knit his service to be at my lord's disposing. And on the other side, I must and will ever acknowledge my lord's love, trust, and favour towards me; and last of all his liberality, having infeoffed me of land which I sold for eighteen hundred pounds to Mr. Reynold Nicholas, which I think, was more worth; and that at such a time, and with so kind and noble circumstances, as the manner was as much as the matter; which, though it be but an idle digression, yet because I am not willing to be short in commemoration of his benefits, I will presume to trouble your lordship with relating to you the manner of it. After the queen had denied me the solicitor's place, for the which his lordship had been a long and earnest suitor on my behalf, it pleased him to come to me from Richmond to Twicknam Park, and brake with me, and said: "Mr. Bacon, the queen hath denied me the place for you, and hath placed another; I know you are the least part of your own matter, but you fare ill because you have chosen me for your mean and dependence; you have spent your time and thoughts in my matters; I die," these were his very words, "if I do not somewhat towards your fortune, you shall not deny to accept a piece of land which I will bestow upon you." My answer, I remember, was, that for my fortune it was no great matter; but that his lordship's offer made me call in mind what was wont to be said, when I was in France, of the duke of Guise, that he was the greatest usurer in France, because he had turned all his estate into obligations: meaning that he had left himself nothing, but only had bound numbers of persons to him. "Now, my lord, said I, I would not have you imitate his course, nor turn your estate thus by great gifts into obligations, for you will find many bad debtors." He bade me take no care for that, and pressed it: whereupon I said, "My lord, I see I must be your homager, and hold land of your gift; but do you know the manner of doing homage in law? Always it is with a saving of his faith to the king and his other lords; and therefore, my lord, said I, I can be no more yours than I was, and it must be with the ancient savings: and if I grow to be a rich man, you will give me leave to give it back again to some of your unrewarded followers."

But to return: sure I am, though I can arrogate nothing to myself but that I was a faithful remembrancer to his lordship, that while I had most credit with him his fortune went on best: and yet in two main points we always directly and contradictorily differed, which I will mention to your lordship, because it giveth light to all that followed. The one was, I ever set this down, that the only course to be held with the queen, was by obsequiousness and observance: and I remember I would usually engage confidently, that if he would take that course constantly, and with choice of good particulars to express it, the queen would be brought in time to

Ahasuerus's question, to ask, "What should be done to the man that the king would honour?" Meaning that her goodness was without limit, where there was a true concurrence: which I knew in her nature to be true. My lord, on the other side, had a settled opinion, that the queen could be brought to nothing but by a kind of necessity and authority; and I well remember, when by violent courses at any time he had got his will, he would ask me, "Now, Sir, whose principles be true?" And I would again say to him; "My lord, these courses be like to hot waters, they will help at a pang; but if you use them you shall spoil the stomach, and you shall be fain still to make them stronger and stronger, and yet in the end they will lessen their operation;" with much other variety, wherewith I used to touch that string. Another point was, that I always vehemently dissuaded him from seeking greatness by a military dependence, or by a popular dependence, as that which would breed in the queen jealousy, in himself presumption, and in the state perturbation: and I did usually compare them to Icarus's two wings, which were joined on with wax, and would make him venture to soar too high, and then fail him at the height. And I would farther say unto him; "My lord, stand upon two feet, and fly not upon two wings: the two feet are the two kinds of justice, commutative, and distributive: use your greatness for advancing of merit and virtue, and relieving wrongs and burthens; you shall need no other art or finesse:" but he would tell me, that opinion came not from my mind, but from my robe. But it is very true, that I, that never meant to inthral myself to my lord of Essex, nor any other man, more than stood with the public good, did, though I could little prevail, divert him by all means possible from courses of the wars and popularity: for I saw plainly the queen must either live or die; if she lived, then the times would be as in the declination of an old prince; if she died, the times would be as in the beginning of a new; and that if his lordship did rise too fast in these courses, the times might be dangerous for him, and he for them. Nay, I remember, I was thus plain with him upon his voyage to the islands, when I saw every spring put forth such actions of charge and provocation, that I said to him, "My lord, when I came first unto you, I took you for a physician that desired to cure the diseases of the state; but now I doubt you will be like those physicians which can be content to keep their patients low, because they would always be in request." Which plainness he nevertheless took very well, as he had an excellent ear, and was patientissimus veri, and assured me the case of the realm required it: and I think this speech of mine, and the like renewed afterwards, pricked him to write that Apology which is in many men's hands.

But this difference in two points so main and material, bred in process of time a discontinuance of privateness, as it is the manner of men seldom to communicate where they think their courses not approved, between his lordship and myself; so as I was not called nor advised with for some year and a half before his lordship's going into Ireland, as in former time: yet, nevertheless, touching his going into Ireland, it pleased him expressly, and in a set manner, to desire mine opinion and counsel. At which time I did not only dissuade, but protest against his going; telling him with as much vehemency and asseveration as I could, that absence in that kind would exulcerate the queen's mind, whereby it would not be possible for him to carry himself so as to give her sufficient contentment; nor for her to carry herself so as to give him sufficient countenance: which would be ill for her, ill for him, and ill for the state. And because I would omit no argument, I remember I stood also upon the difficulty of the action; setting before him out of histories, that the Irish was such an enemy as the ancient Gauls, or Britons, or Germans were; and that we saw how the Romans, who had such discipline to govern their soldiers, and such donatives to encourage them, and the whole world in a manner to levy them: yet when they came to deal with enemies, which placed their felicity only in liberty, and the sharpness of their sword, and had the natural elemental advantages of woods, and bogs, and hardness of bodies, they ever found they had their hands full of them; and therefore concluded, that going over with such expectation as he did, and through the churlishness of the enterprise not like to answer it, would mightily diminish his reputation: and many other reasons I used, so as I am sure I never in any thing in my life-time dealt with him in like earnestness by speech, by writing, and by all the means I could devise. For I did as plainly see his overthrow chained, as it were by destiny, to that journey, as it is possible for any man to ground a judgment upon future contingents. But my lord, howsoever his ear was open, yet his heart and resolution was shut against that advice, whereby his ruin might have been prevented. After my lord's going, I saw then how true a prophet I was, in regard of the evident alteration which naturally succeeded in the queen's mind; and thereupon I was still in watch to find the best occasion that in the weakness of my power I could either take or minister, to pull him out of the fire, if it had been possible: and not long after, methought I saw some overture thereof, which I apprehended readily; a particularity which I think to be known to very few, and the which I do the rather relate unto your lordship, because I hear it should be talked, that while my lord was in Ireland I revealed some matters against him, or I cannot tell what; which if it were not a mere slander, as the rest is, but had any, though never so little, colour, was surely upon this occasion. The queen one day at Nonesuch, a little, as I remember, before Cuffe's coming over, where I attended her, showed a passionate distaste of my lord's proceedings in Ireland, as if they were unfortunate, without judgment, contemptuous, and not without some private end of his own, and all that might be; and was pleased, as she spake of it to many that she trusted least, so to fall into the like speech with me. Whereupon I, who was still awake, and true to my grounds which I thought surest for my lord's good,

said to this effect: "Madam, I know not the particulars of estate, and I know this, that princes' actions must have no abrupt periods or conclusions; but otherwise I would think, that if you had my lord of Essex here with a white staff in his hand, as my lord of Leicester had, and continued him still about you for society to yourself, and for an honour and ornament to your attendance and court in the eyes of your people, and in the eyes of foreign ambassadors, then were he in his right element; for to discontent him as you do, and yet to put arms and power into his hands, may be a kind of temptation to make him prove cumbersome and unruly. And therefore if you would imponere bonam clausulam, and send for him and satisfy him with honour here near you, if your affairs, which, as I have said, I am not acquainted with, will permit it, I think were the best way." Which course your lordship knoweth, if it had been taken, then all had been well, and no contempt in my lord's coming over, nor continuance of these jealousies, which that employment of Ireland bred, and my lord here in his former greatness. Well, the next news that I heard was, that my lord was come over, and that he was committed to his chamber for leaving Ireland without the queen's licence; this was at Nonesuch, where, as my duty was, I came to his lordship, and talked with him privately about a quarter of an hour, and he asked mine opinion of the course that was taken with him: I told him, "My lord, 'Nubecula est, cito transibit;' it is but a mist. But shall I tell your lordship, it is as mists are: if it go upwards, it may perhaps cause a shower: if downwards, it will clear up. And therefore, good my lord, carry it so as you take away by all means all umbrages and distastes from the queen; and especially if I were worthy to advise you, as I have been by yourself thought, and now your question imports the continuance of that opinion, observe three points: first, make not this cessation or peace, which is concluded with Tyrone, as a service wherein you glory, but as a shuffling up of a prosecution which was not very fortunate. Next, represent not to the queen any necessity of estate, whereby, as by a coercion or wrench, she should think herself enforced to send you back into Ireland, but leave it to her. Thirdly, seek access importune, opportune, seriously, sportingly, every way." I remember my lord was willing to hear me, but spake very few words, and shaked his head sometimes, as if he thought I was in the wrong; but, sure I am, he did just contrary in every one of these three points. After this, during the while since my lord was committed to my lord keeper's, I came divers times to the queen, as I had used to do, about causes of her revenue and law business, as is well known; by reason of which accesses, according to the ordinary charities of court, it was given out, that I was one of them that incensed the queen against my lord of Essex. These speeches I cannot tell, nor I will not think, that they grew any way from her Majesty's own speeches, whose memory I will ever honour; if they did, she is with God, and "Miserum est ab illis lædi, de quibus non possis queri." But I must give this testimony to my lo Cecil, that one time in his house at the Savoy dealt with me directly, and said to me, "Cous I hear it, but I believe it not, that you should some ill office to my lord of Essex; for my pa I am merely passive, and not active in this a tion: and I follow the queen, and that heavily, an I lead her not; my lord of Essex is one that nature I could consent with as well as with any o living; the queen indeed is my sovereign, and I a her creature, I may not lose her, and the sam course I would wish you to take." Whereupon satisfied him how far I was from any such mind And as sometimes it cometh to pass, that men' inclinations are opened more in a toy, than in serious matter: a little before that time, being abou the middle of Michaelmas term, her Majesty had purpose to dine at my lodge at Twicknam Park, a which time I had, though I profess not to be poet, prepared a sonnet directly tending and alludin to draw on her Majesty's reconcilement to my lord which, I remember, also I showed to a great person and one of my lord's nearest friends, who commended it. This, though it be as I said but a toy, yet i showed plainly in what spirit I proceeded; and tha I was ready not only to do my lord good offices, bu to publish and declare myself for him: and never was I so ambitious of any thing in my life-time, as I was to have carried some token or favour from her Majesty to my lord; using all the art I had, both to procure her Majesty to send, and myself to be the messenger. For as to the former, I feared not to allege to her, that this proceeding toward my lord was a thing towards the people very unplausible; and therefore wished her Majesty, however she did, yet to discharge herself of it, and lay it upon others; and therefore that she would intermix her proceeding with some immediate graces from herself, that the world might take knowledge of her princely nature and goodness, lest it should alienate the hearts of her people from her: which I did stand upon; knowing well that if she once relented to send or visit, those demonstrations would prove matter of substance for my lord's good. And to draw that employment upon myself, I advised her Majesty, that whensoever God should move her to turn the light of her favours towards my lord, to make signification to him thereof; that her Majesty, if she did it not in person, would at the least use some such mean as might not entitle themselves to any part of the thanks, as persons that were thought mighty with her to work her, or to bring her about; but to use some such as could not be thought but a mere conduit of her own goodness. But I could never prevail with her, though I am persuaded she saw plainly whereat I levelled; and she plainly had me in jealousy, that I was not hers entirely, but still had inward and deep respects towards my lord, more than stood at that time with her will and pleasure. About the same time I remember an answer of mine in a matter which had some affinity with my lord's cause, which though it grew from me, went after about in others' names. For her Majesty being mightily incensed with that book

which was dedicated to my lord of Essex, being a story of the first year of king Henry IV. thinking it a seditious prelude to put into the people's head boldness and faction, said, She had an opinion that there was treason in it, and asked me if I could not find any places in it that might be drawn within case of treason: whereto I answered; For treason surely I found none, but for felony very many. And when her Majesty hastily asked me, Wherein? I told her, the author had committed very apparent theft; for he had taken most of the sentences of Cornelius Tacitus, and translated them into English, and put them into his text. And another time when the queen would not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author; and said with great indignation, that she would have him racked to produce his author: I replied; "Nay, madam, he is a doctor, never rack his person, but rack his style; let him have pen, ink, and paper, and help of books, and be enjoined to continue the story where it breaketh off, and I will undertake by collating the styles to judge whether he were the author or no." But for the main matter, sure I am, when the queen at any time asked mine opinion of my lord's case, I ever in one tenour told unto her; That they were faults which the law might term contempts; because they were the transgressions of her particular directions and instructions: but then what defence might be made of them, in regard of the great interest the person had in her Majesty's favour; in regard of the greatness of his place, and the ampleness of his commission; in regard of the nature of the business, being action of war, which in common cases cannot be tied to strictness of instructions; in regard of the distance of the place, having also a sea between, that his demands and her commands must be subject to wind and weather; in regard of a council of state in Ireland, which he had at his back to avow his actions upon; and lastly, in regard of a good intention that he would allege for himself; which, I told her, in some religions was held to be a sufficient dispensation for God's commandments, much more for princes: in all these regards, I besought her Majesty to be advised again and again, how she brought the cause into any public question. Nay, I went farther; for I told her, my lord was an eloquent and well-spoken man; and besides his eloquence of nature or art, he had an eloquence of accident which passed them both, which was the pity and benevolence of his hearers; and therefore, that when he should come to his answer for himself, I doubted his words would have so unequal a passage above theirs that should charge him, as would not be for her Majesty's honour; and therefore wished the conclusion might be, that they might wrap it up privately between themselves; and that she would restore my lord to his former attendance, with some addition of honour to take away discontent. But this I will never deny; that I did show no approbation generally of his being sent back again into Ireland, both because it would have carried a repugnancy with my former discourse, and because I was in mine own heart fully persuaded that it was not good, either for the queen, or for the state, or for himself: and yet I did not dissuade it neither, but left it ever as locus lubricus. For this particularity I do well remember, that after your lordship was named for the place in Ireland, and not long before your going, it pleased her Majesty at Whitehall to speak to me of that nomination: at which time I said to her; "Surely, madam, if you mean not to employ my lord of Essex thither again, your Majesty cannot make a better choice;" and was going on to show some reason, and her Majesty interrupted me with great passion: "Essex!" said she; "whensoever I send Essex back again into Ireland, I will marry you, claim it of me." Whereunto I said; "Well, madam, I will release that contract, if his going be for the good of your state." Immediately after the queen had thought of a course, which was also executed, to have somewhat published in the Star-chamber, for the satisfaction of the world, touching my lord of Essex his restraint, and my lord not to be called to it; but occasion to be taken by reason of some libels then dispersed: which when her Majesty propounded unto me, I was utterly against it: and told her plainly, That the people would say, that my lord was wounded upon his back, and that Justice had her balance taken from her, which ever consisted of an accusation and defence; with many other quick and significant terms to that purpose: insomuch that, I remember, I said, that my lord in foro famæ, was too hard for her; and therefore wished her, as I had done before, to wrap it up privately. And certainly I offended her at that time, which was rare with me: for I call to mind, that both the Christmas, Lent, and Easter term following, though I came divers times to her upon law business, yet methought her face and manner was not so clear and open to me as it was at the first. And she did directly charge me, that I was absent that day at the Star-chamber, which was very true; but I alleged some indisposition of body to excuse it: and during all the time aforesaid, there was altum silentium from her to me touching my lord of Essex's causes.

But towards the end of Easter term her Majesty brake with me, and told me, That she had found my words true: for that the proceeding in the Star-chamber had done no good, but rather kindled factions, bruits as she termed them, than quenched them; and therefore, that she was determined now, for the satisfaction of the world, to proceed against my lord in the Star-chamber by an information Ore tenus, and to have my lord brought to his answer: howbeit, she said, she would assure me, that whatsoever she did should be towards my lord "ad castigationem, et non ad destructionem;" as indeed she had often repeated the same phrase before: whereunto I said, to the end utterly to divert her, "Madam, if you will have me speak to you in this argument, I must speak to you as Friar Bacon's head spake, that said first, Time is; and then, Time was; and Time will never be: for certainly, said I, it is now far too late, the matter is cold and hath taken too much wind." Whereat she seemed again offended, and rose from me; and that

resolution for a while continued: and after, in the beginning of Midsummer term, I attending her, and finding her settled in that resolution, which I heard of also otherwise, she falling upon the like speech; it is true, that seeing no other remedy, I said to her slightly, "Why, madam, if you will needs have a proceeding, you were best have it in some such sort as Ovid spake of his mistress; 'est aliquid luce patente minus;' to make a council-table matter of it, and there an end:" which speech again she seemed to take in ill part; but yet I think it did good at that time, and helped to divert that course of proceeding by information in the Star-chamber. Nevertheless, afterwards it pleased her to make a more solemn matter of the proceeding; and some few days after, an order was give that the matter should be heard at York-house, before an assembly of counsellors, peers, and judges, and some audience of men of quality to be admitted: and then did some principal counsellors send for us of the learned counsel, and notify her Majesty's pleasure unto us; save that it was said to me openly by one of them, that her Majesty was not yet resolved whether she would have me forborne in the business or no. And hereupon might arise that other sinister and untrue speech, that, I hear, is raised of me, how I was a suitor to be used against my lord of Essex at that time: for it is very true, that I that knew well what had passed between the queen and me, and what occasion I had given her both of distaste and distrust, in crossing her disposition, by standing stedfastly for my lord of Essex, and suspecting it also to be a stratagem arising from some particular emulation, I writ to her two or three words of compliments, signifying to her Majesty, "That if she would be pleased to spare me in my lord of Essex's cause, out of the consideration she took of my obligation towards him, I should reckon it for one of her greatest favours; but otherwise desiring her Majesty to think that I knew the degrees of duties; and that no particular obligation whatsoever to any subject could supplant or weaken that entireness of duty that I did owe and bear to her and her service." And this was the goodly suit I made, being a respect no man that had his wits could have omitted: but nevertheless I had a farther reach in it: for I judged that day's work would be a full period of any bitterness or harshness between the queen and my lord: and therefore, if I declared myself fully according to her mind at that time, which could not do my lord any manner of prejudice, I should keep my credit with her ever after, whereby to do my lord service. Hereupon the next news that I heard was, that we were all sent for again; and that her Majesty's pleasure was, we all should have parts in the business; and the lords falling into distribution of our parts, it was allotted to me, that I should set forth some undutiful carriage of my lord, in giving occasion and countenance to a seditious pamphlet, as it was termed, which was dedicated unto him, which was the book before mentioned of king Henry IV. Whereupon I replied to that allotment, and said to their lordships, That it was an old matter, and had no manner of coherence with the rest of the charge, being matters of Ireland: and therefore, that I having been wronged by bruits before, this would expose me to them more; and it would be said I gave in evidence mine own tales. It was answered again with good show, That because it was considered how I stood tied to my lord of Essex, therefore that part was thought fittest for me, which did him least hurt; for that whereas all the rest was matter of charge and accusation, this only was but matter of caveat and admonition. Wherewith though I was in mine own mind little satisfied, because I knew well a man were better to be charged with some faults, than admonished of some others: yet the conclusion binding upon the queen's pleasure directly, volens nolens, I could not avoid that part that was laid upon me; which part, if in the delivery I did handle not tenderly, though no man before me did in so clear terms free my lord from all disloyalty as I did, that, your lordship knoweth, must be ascribed to the superior duty I did owe to the queen's fame and honour in a public proceeding, and partly to the intention I had to uphold myself in credit and strength with the queen, the better to be able to do my lord good offices afterwards: for as soon as this day was past, I lost no time; but the very next day following, as I remember, I attended her Majesty, fully resolved to try and put in ure my utmost endeavour, so far as I in my weakness could give furtherance, to bring my lord again speedily into court and favour; and knowing, as I supposed at least, how the queen was to be used, I thought that to make her conceive that the matter went well then, was the way to make her leave off there; and I remember well, I said to her, "You have now, madam, obtained victory over two things, which the greatest princes in the world cannot at their wills subdue; the one is over fame; the other is over a great mind: for surely the world is now, I hope, reasonably well satisfied; and for my lord, he did show that humiliation towards your Majesty, as I am persuaded he was never in his life-time more fit for your Majesty's favour than he is now: therefore if your Majesty will not mar it by lingering, but give over at the best, and now you have made so good a full point, receive him again with tenderness, I shall then think, that all that is past is for the best." Whereat, I remember, she took exceeding great contentment, and did often iterate and put me in mind, that she had ever said, That her proceedings should be ad reparationem, and not ad ruinam; as who saith, that now was the time I should well perceive, that that saying of hers should prove true. And farther she willed me to set down in writing all that passed that day. I obeyed her commandment, and within some few days after brought her again the narration, which I did read unto her in two several afternoons: and when I came to that part that set forth my lord's own answer, which was my principal care, I do well bear in mind, that she was extraordinarily moved with it, in kindness and relenting towards my lord; and told me afterwards, speaking how well I had expressed my lord's part, That she perceived old love would not easily be forgotten: whereunto I answered suddenly, that I

hoped she meant that by herself. But in conclusion I did advise her, That now she had taken a representation of the matter to herself, that she would let it go no farther: "For, madam," said I, "the fire blazeth well already, what should you tumble it? And besides, it may please you to keep a convenience with yourself in this case; for since your express direction was, there should be no register nor clerk to take this sentence, nor no record or memorial made up of the proceeding, why should you now do that popularly, which you would not admit to be done judicially?" Whereupon she did agree that that writing should be suppressed; and I think there were not five persons that ever saw it. But from this time forth, during the whole latter end of that summer, while the court was at Nonesuch and Oatlands, I made it my task and scope to take and give occasions for my lord's redintegration in his fortunes: which my intention I did also signify to my lord as soon as ever he was at his liberty; whereby I might without peril of the queen's indignation write to him; and having received from his lordship a courteous and loving acceptation of my good will and endeavours, I did apply it in all my accesses to the queen, which were very many at that time: and purposely sought and wrought upon other variable pretences, but only and chiefly for that purpose. And on the other side, I did not forbear to give my lord from time to time faithful advertisement what I found, and what I wished. And I drew for him, by his appointment, some letters to her Majesty; which though I knew well his lordship's gift and style was far better than mine own, yet, because he required it, alleging, that by his long restraint he was grown almost a stranger to the queen's present conceits, I was ready to perform it: and sure I am, that for the space of six weeks or two months, it prospered so well, as I expected continually his restoring to his attendance. And I was never better welcome to the queen, nor more made of, than when I spake fullest and boldest for him; in which kind the particulars were exceeding many; whereof, for an example, I will remember to your lordship one or two. As at one time, I call to mind, her Majesty was speaking of a fellow that undertook to cure, or at least to ease my brother of his gout, and asked me how it went forward: and I told her Majesty, That at the first he received good by it; but after in the course of his cure he found himself at a stay, or rather worse: the queen said again, "I will tell you, Bacon, the error of it: the manner of these physicians, and especially these empirics, is to continue one kind of medicine; which at the first is proper, being to draw out the ill humour; but, after, they have not the discretion to change the medicine, but apply still drawing medicines, when they should rather intend to cure and corroborate the part." "Good Lord! madam," said I, "how wisely and aptly can you speak and discern of physic ministered to the body, and consider not that there is the like occasion of physic ministered to the mind: as now in the case of my lord of Essex your princely word ever was, that you intended ever to reform his mind, and not ruin his fortune: I know well you cannot but think that you have drawn the humour sufficiently; and therefore it were more than time, and it were but for doubt of mortifying or exulcerating, that you did apply and minister strength and comfort unto him: for these same gradations of yours are fitter to corrupt than correct any mind of greatness." And another time I remember she told me for news, That my lord had written unto her some very dutiful letters, and that she had been moved by them; and when she took it to be the abundance of his heart, she found it to be but a preparative to a suit for the renewing of his farm of sweet wines. Whereunto I replied, "O madam, how doth your Majesty construe these things, as if these two could not stand well together, which indeed nature hath planted in all creatures! For there are but two sympathies, the one towards perfection, the other towards preservation; that to perfection, as the iron tendeth to the loadstone; that to preservation, as the vine will creep towards a stake or prop that stands by it; not for any love to the stake, but to uphold itself. And therefore, madam, you must distinguish: my lord's desire to do you service is, as to his perfection, that which he thinks himself to be born for; whereas his desire to obtain this thing of you, is but for a sustentation."

And not to trouble your lordship with many other particulars like unto these, it was at the self-same time that I did draw, with my lord's privity, and by his appointment, two letters, the one written as from my brother, the other as an answer returned from my lord, both to be by me in secret manner showed to the queen, which it pleased my lord very strangely to mention at the bar; the scope of which were but to represent and picture forth unto her Majesty my lord's mind to be such, as I knew her Majesty would fainest have had it: which letters whosoever shall see, for they cannot now be retracted or altered, being by reason of my brother's or his lordship's servants' delivery long since come into divers hands, let him judge, especially if he knew the queen, and do remember those times, whether they were not the labours of one that sought to bring the queen about for my lord of Essex his good. The truth is, that the issue of all his dealing grew to this, that the queen, by some slackness of my lord's, as I imagine, liked him worse and worse, and grew more incensed towards him. Then she remembering belike the continual, and incessant, and confident speeches and courses that I had held on my lord's side, became utterly alienated from me, and for the space of, at least, three months, which was between Michaelmas and New-year's-tide following, would not so much as look on me, but turned away from me with express and purpose-like discountenance wheresoever she saw me; and at such time as I desired to speak with her about law-business, ever sent me forth very slight refusals, insomuch as it is most true, that immediately after New-year's-tide I desired to speak with her, and being admitted to her, I dealt with her plainly; and said, "Madam, I see you withdraw your favour from me, and now I have lost many friends for your sake, I shall lose you too: you

have put me like one of those that the Frenchmen call enfans perdus, that serve on foot before horsemen; so have you put me into matters of envy without place, or without strength; and I know at chess a pawn before the king is ever much played upon; a great many love me not, because they think I have been against my lord of Essex; and you love me not, because you know I have been for him; yet will I never repent me, that I have dealt in simplicity of heart towards you both, without respect of cautions to myself; and therefore vivus videneque pereo: if I do break my neck, I shall do it in a manner as Master Dorington did it, which walked on the battlements of the church many days, and took a view and survey where he should fall. And so, madam, said I, I am not so simple but that I take a prospect of mine overthrow; only I thought I would tell you so much, that you may know that it was faith and not folly that brought me into it, and so I will pray for you." Upon which speeches of mine uttered with some passion, it is true her Majesty was exceedingly moved; and accumulated a number of kind and gracious words upon me, and willed me to rest upon this, Gratia mea sufficit, and a number of other sensible and tender words and demonstrations, such as more could not be; but as touching my lord of Essex, ne verbum quidem. Whereupon I departed, resting then determined to meddle no more in the matter; as that, that I saw would overthrow me, and not be able to do him any good. And thus I made mine own peace with mine own confidence at that time; and this was the last time I saw her Majesty before the eighth of February, which was the day of my lord of Essex his misfortune; after which time, for that I performed at the bar in my public service, your lordship knoweth, by the rules of duty, that I was to do it honestly, and without prevarication; but for any putting myself into it, I protest before God, I never moved either the queen, or any person living, concerning my being used in the service, either of evidence or examination: but it was merely laid upon me with the rest of my fellows. And for the time which passed, I mean between the arraignment and my lord's suffering, I well remember I was but once with the queen, at what time, though I durst not deal directly for my lord as things then stood, yet generally I did both commend her Majesty's mercy, terming it to her as an excellent balm that did continually distil from her sovereign hands, and made an excellent odour in the senses of her people; and not only so, but I took hardiness to extenuate, not the fact, for that I durst not, but the danger, telling her, that if some base or cruel-minded persons had entered into such an action, it might have caused much blood and combustion: but it appeared well, they were such as knew not how to play the malefactors; and some other words which I now omit. And as for the rest of the carriage of myself in that service, I have many honourable witnesses that can tell, that the next day after my lord's arraignment, by my diligence and information touching the quality and nature of the offenders, six of nine were stayed, which otherwise had been attainted, I bringing their lordships' letter for their stay, after the jury was sworn to pass upon them; as near it went: and how careful I was, and made it my part, that whosoever was in trouble about the matter, as soon as ever his case was sufficiently known and defined of, might not continue in restraint but be set at liberty; and many other parts, which I am well assured of, stood with the duty of an honest man. But indeed I will not deny for the case of Sir Thomas Smith of London, the queen demanding my opinion of it, I told her, I thought it was as hard as many of the rest. But what was the reason? Because at that time I had seen only his accusation, and had never been present at any examination of his; and the matter so standing, I had been very untrue to my service, if I had not delivered that opinion. But afterwards upon a re-examination of some that charged him, who weakened their own testimony, and especially hearing himself viva voce I went instantly to the queen, out of the soundness of my conscience, not regarding what opinion I had formerly delivered, and told her Majesty I was satisfied and resolved in my conscience, that for the reputation of the action, the plot was to countenance the action farther by him in respect of his place than they had indeed any interest or intelligence with him. It is very true also, about that time her Majesty taking a liking of my pen, upon that which I formerly had done concerning the proceeding at York-house, and likewise upon some other declarations, which in former times by her appointment I put in writing, commanded me to pen that book which was published for the better satisfaction of the world; which I did, but so, as never secretary had more particular and express directions and instructions in every point how to guide my hand in it; and not only so, but after that I had made a first draught thereof, and propounded it to certain principal counsellors by her Majesty's appointment, it was perused, weighed, censured, altered, and made almost a new writing, according to their lordships' better consideration; wherein their lordships and myself both were as religious and curious of truth, as desirous of satisfaction: and myself indeed gave only words and form of style in pursuing their direction. And after it had passed their allowance, it was again exactly perused by the queen herself, and some alterations made again by her appointment: nay, and after it was set to print, the queen, who, as your lordship knoweth, as she was excellent in great matters, so she was exquisite in small, and noted that I could not forget my ancient respect to my lord of Essex, in terming him ever *my lord of Essex, my lord of Essex*, almost in every page of the book, which she thought not fit, but would have it made *Essex*, or *the late earl of Essex*: whereupon of force it was printed de novo, and the first copies suppressed by her peremptory commandment.

And this, my good lord, to my farthest remembrance, is all that passed wherein I had part; which I have set down as near as I could in the very words and speeches that were used, not because they are worthy the repetition, I mean those of mine own; but to the end your lordship may lively and

plainly discern between the face of truth, and a smooth tale; and the rather also, because in things that passed a good while since, the very words and phrases did sometimes bring to my remembrance the matters: wherein I report me to your honourable judgment, whether you do not see the traces of an honest man: and had I been as well believed either by the queen or by my lord, as I was well heard by them both, both my lord had been fortunate, and so had myself in his fortune.

To conclude therefore, I humbly pray your lordship to pardon me for troubling you with this long narration; and that you will vouchsafe to hold me in your good opinion, till you know I have deserved, or find that I shall deserve the contrary; and so ever I continue

At your Lordship's honourable commandments very humbly,

F. B.

A SPEECH IN PARLIAMENT,

39 OF ELIZABETH,

UPON THE MOTION OF SUBSIDY.

And please you, Mr. Speaker, I must consider the time which is spent; but yet so, as I must consider also the matter, which is great. This great cause was, at the first, so materially and weightily propounded; and after, in such sort persuaded and enforced; and by him that last spake, so much time taken, and yet to good purpose; as I shall speak at a great disadvantage: but because it hath been always used, and the mixture of this house doth so require it, that in causes of this nature there be some speech and opinion, as well from persons of generality, as by persons of authority, I will say somewhat, and not much: wherein it shall not be fit for me to enter into, or to insist upon secrets, either of her Majesty's coffers, or of her council; but my speech must be of a more vulgar nature.

I will not enter, Mr. Speaker, into a laudative speech of the high and singular benefits, which by her Majesty's most politic and happy government we receive, thereby to incite you to a retribution; partly because no breath of man can set them forth worthily; and partly because I know her Majesty in her magnanimity doth bestow her benefits like her freest patents, absque aliquo inde reddendo; not looking for any thing again, if it were in respect only of her particular, but love and loyalty. Neither will I now at this time put the case of this realm of England too precisely; how it standeth with the subject in point of payments to the crown: though I could make it appear by demonstration, what opinion soever be conceived, that never subjects were partakers of greater freedom and ease; and that whether you look abroad into other countries at this present time, or look back to former times in this our own country, we shall find an exceeding difference in matter of taxes; which now I reserve to mention; not so much in doubt to acquaint your ears with foreign strains, or to dig up the sepulchres of buried and forgotten impositions, which in this case, as by way of comparison, it is necessary you understand; but because speech in the house is fit to persuade the general point, and particularly is more proper and seasonable for the committee: neither will I make any observations upon her Majesty's manner of expending and issuing treasure; being not upon excessive and exorbitant donatives; nor upon sumptuous and unnecessary triumphs, buildings, or like magnificence; but upon the preservation, protection, and honour of the realm: for I dare not scan upon her Majesty's actions, which it becometh me rather to admire in silence, than to gloss or discourse upon them, though with never so good a meaning. Sure I am that the treasure that cometh from you to her Majesty is but as a vapour which riseth from the earth, and gathereth into a cloud, and stayeth not there long; but upon the same earth it falleth again: and what if some drops of this do fall upon France or Flanders? It is like a sweet odour of honour or reputation to our nation throughout the world. But I will only insist upon the natural and inviolate law of preservation.

It is a truth, Mr. Speaker, and a familiar truth, that safety and preservation is to be preferred before benefit or increase, inasmuch as those counsels which tend to preservation seem to be attended with necessity: whereas those deliberations which tend to benefit, seem only accompanied with persuasion. And it is ever gain and no loss, when at the foot of the account there remains the purchase of safety. The prints of this are every where to be found: the patient will ever part with some of his blood to save and clear the rest: the sea-faring man will, in a storm, cast over some of his goods to save and assure the rest: the husbandman will afford some foot of ground for his hedge and ditch, to fortify and defend the rest. Why, Mr. Speaker, the disputer will, if he be wise and cunning, grant somewhat that seemeth to make against him, because

he will keep himself within the strength of his opinion, and the better maintain the rest. But this place advertiseth me not to handle the matter in a common place. I will not deliver unto you that which, upon a probatum est, hath wrought upon myself, knowing your affections to be like mine own. There hath fallen out, since the last parliament, four accidents or occurrents of state; things published and known to you all; by every one whereof it seemeth to me, in my vulgar understanding, that the danger of this realm is increased: which I speak not by way of apprehending fear, for I know I speak to English courages; but by way of pressing provision: for I do find, Mr. Speaker, that when kingdoms and states are entered into terms and resolutions of hostility one against the other; yet they are many times restrained from their attempts by four impediments:

The first is by this same aliud agere: when they have their hands full of other matters, which they have embraced, and serveth for a diversion of their hostile purposes.

The next is, when they want the commodity or opportunity of some places of near approach.

The third, when they have conceived an apprehension of the difficulty and churlishness of the enterprise, and that it is not prepared to their hand.

And the fourth is, when a state, through the age of the monarch, groweth heavy and indisposed to actions of great peril and motion: and this dull humour is not sharpened nor inflamed by any provocations or scorns. Now if it please you to examine, whether by removing the impediments, in these four kinds, the danger be not grown so many degrees nearer us by accidents, as I said, fresh, and all dated since the last parliament.

Soon after the last parliament, you may be pleased to remember how the French king revolted from his religion; whereby every man of common understanding may infer, that the quarrel between France and Spain is more reconcilable, and a greater inclination of affairs to a peace than before: which supposed, it followeth, Spain shall be more free to intend his malice against this realm.

Since the last parliament, it is also notorious in every man's knowledge and remembrance, that the Spaniards have possessed themselves of that avenue and place of approach for England, which was never in the hands of any king of Spain before; and that is Calais; which in true reason and consideration of estate of what value or service it is, I know not; but in common understanding, it is a knocking at our doors.

Since the last parliament also that ulcer of Ireland, which indeed brake forth before, hath run on and raged more: which cannot but be a great attractive to the ambition of the council of Spain, who by former experience know of how tough a complexion this realm of England is to be assailed; and therefore, as rheums and fluxes of humours, is like to resort to that part which is weak and distempered.

And lastly, it is famous now, and so will be many ages hence, how by these two sea-journeys we have braved him, and objected him to scorn: so that no blood can be so frozen or mortified, but must needs take flames of revenge upon so mighty a disgrace.

So as this concurrence of occurrents, all since our last assembly, some to deliver and free our enemies, some to advance and bring him on his way, some to tempt and allure him, some to spur on and provoke him, cannot but threaten an increase of our peril in great proportion.

Lastly, Mr. Speaker, I will but reduce to the memory of this house one other argument, for ample and large providing and supplying treasure: and this it is:

I see men do with great alacrity and spirit proceed when they have obtained a course they long wished for and were restrained from. Myself can remember both in this honourable assembly, and all other places of this realm, how forward and affectionate men were to have an invasive war. That we would say, a defensive war was like eating a consuming interest, and needs we would be adventurers and assailants; "Habes quod tota mente petisti:" shall we not now make it good? especially when we have tasted so prosperous fruit of our desires.

The first of these expeditions invasive was achieved with great felicity, ravished a strong and famous port in the lap and bosom of their hostile countries; brought them to such despair as they fired themselves and their Indian fleet in sacrifice as a good odour and incense unto God for the great and barbarous cruelties which they have committed upon the poor Indians, whither that fleet was coming; disordered their reckonings so, as the news we heard of was nothing but protesting of bills and breaking credit.

The second journey was with notable resolution borne up against weather and all difficulties: and besides the success in amusing him and putting him to infinite charge, sure I am it was like a Tartar or Parthian's bow, which shooteth backward, and had a most strong and violent effect and operation both in France and Flanders; so that our neighbours and confederates have reaped the harvest of it; and while the life-blood of Spain went inward to the heart, the outward limbs and members trembled, and could not resist. And lastly, we have a perfect account of all the noble and good blood that was carried forth, and of all our sea-walls and good shipping, without mortality of persons, wreck of vessels, or any manner of diminution. And these have been the happy effects of our so long and so much desired invasive war.

To conclude, Mr. Speaker, therefore, I doubt not but every man will consent that our gift must bear these two marks and badges: the one, of the danger of the realm by so great a proportion, since the last parliament, increased; the other, of the satisfaction we receive in having obtained our so earnest and ardent desire of an invasive war.

A PROCLAMATION

DRAWN

FOR HIS MAJESTY'S FIRST COMING IN.

[PREPARED, BUT NOT USED.]

HAVING great cause at this time, to be moved with diversity of affections, we do in first place condole with all our loving subjects of England, for the loss of their so virtuous and excellent queen; being a prince that we always found a dear sister, yea a mother to ourself in many her actions and advices. A prince, whom we hold and behold as an excellent pattern and example to imitate in many her royal virtues and parts of government; and a prince whose days we could have wished to have been prolonged; we reporting ourselves not only to the testimony of our royal heart, but to the judgment of all the world, whether there ever appeared in us any ambitious or impatient desire to prevent God's appointed time. Neither are we so partial to our own honour, but that we do in great part ascribe this our most peaceable and quiet entrance and coming to these our crowns, next under the blessing of Almighty God, and our undoubted right, to the fruit of her Majesty's peaceable and quiet government, accustoming the people to all loyalty and obedience. As for that which concerneth ourselves, we would have all our loving subjects know, that we do not take so much gladness and contentment in the devolving of these kingdoms unto our royal person, for any addition or increase of glory, power, or riches, as in this, that it is so manifest an evidence unto us, especially the manner of it considered, that we stand, though unworthy, in God's favour, who hath put more means into our hands to reward our friends and servants, and to pardon and obliterate injuries, and to comfort and relieve the hearts and estates of our people and loving subjects, and chiefly to advance the holy religion and church of Almighty God, and to deserve well of the christian commonwealth. And more especially we cannot but gratulate and rejoice in this one point, that it hath pleased God to make us the instrument, and, as it were, the corner-stone, to unite these two mighty and warlike nations of England and Scotland into one kingdom. For although these two nations are situate upon the continent of one island, and are undivided either by seas or mountains, or by diversity of language; and although our neighbour kingdoms of Spain and France have already had the happiness to be reunited in the several members of those kingdoms formerly disjoined: yet in this island it appeareth not in the records of any true history, no nor scarcely in the conceit of any fabulous narration or tradition, that this whole island of Great Britain was ever united under one sovereign prince before this day. Which as we cannot but take as a singular honour and favour of God unto ourselves; so we may conceive good hope that the kingdoms of christendom standing distributed and counterpoised, as by this last union they now are, it will be a foundation of the universal peace of all christian princes: and that now the strife that shall remain between them, shall be but an emulation who shall govern best, and most to the weal and good of his people.

Another great cause of our just rejoicing is, the assured hope that we conceive, that whereas our kingdom of Ireland hath been so long time torn and afflicted with the miseries of wars, the making and prosecuting of which wars hath cost such an infinite deal of blood and treasure of our realm of England to be spilt and consumed thereupon; we shall be able, through God's favour and assistance, to put a speedy and an honourable end to those wars. And it is our princely design and full purpose and resolution, not only to reduce that nation from their rebellion and revolt, but also to reclaim them from their barbarous manners to justice and the fear of God; and to populate, plant, and make civil all the provinces in that kingdom: which also being an action that not any of our noble progenitors, kings of England, hath ever had the happiness thoroughly to prosecute and accomplish, we take so much to heart, as we are persuaded it is one of the chief causes, for the which God hath brought us to the imperial crown of these kingdoms.

Further, we cannot but take great comfort in the state and correspondence which we now stand in of peace and unity with all christian princes, and otherwise, of quietness and obedience of our own people at home: whereby we shall not need to expose that our kingdom of England to any quarrel or war, but rather have occasion to preserve them in peace and tranquillity, and openness of trade with all foreign nations.

Lastly and principally, we cannot but take unspeakable comfort in the great and wonderful consent and unity, joy and alacrity, wherewith our loving subjects of our kingdom of England have received and acknowledged us their natural and lawful king and governor, according to our most clear and

undoubted right, in so quiet and settled manner, as, if we had been long ago declared and established successor, and had taken all men's oaths and homages, greater and more perfect unity and readiness could not have been. For considering with ourselves, that notwithstanding difference of religion, or any other faction, and notwithstanding our absence so far off, and notwithstanding the sparing and reserved communicating of one another's minds; yet all our loving subjects met in one thought and voice, without any the least disturbance or interruption, yea, hesitation or doubtfulness, or any show thereof; we cannot but acknowledge it is a great work of God, who hath an immediate and extraordinary direction in the disposing of kingdoms and flows of people's hearts.

Wherefore, after our most humble and devout thanks to Almighty God, by whom kings reign, who hath established us king and governor of these kingdoms; we return our hearty and affectionate thanks unto the lords spiritual and temporal, the knights and gentlemen, the cities and towns, and generally unto our commons, and all estates and degrees of that our kingdom of England, for their so acceptable first-fruits of their obedience and loyalties offered and performed in our absence; much commending the great wisdom, courage, and watchfulness used by the peers of that our kingdom, according to the nobility of their bloods and lineages, many of them mingled with the blood royal; and therefore in nature affectionate to their rightful king; and likewise of the counsellors of the late queen, according to their gravity and oath, and the spirit of their good mistress, now a glorious saint in heaven, in carrying and ordering our affairs with that fidelity, moderation, and consent, which in them hath well appeared; and also the great readiness, concord, and cheerfulness in the principal knights and gentlemen of several counties, with the head officers of great cities, corporations, and towns: and do take knowledge by name of the readiness and good zeal of that our chiefest and most famous city, the city of London, the chamber of that our kingdom; assuring them, that we will be unto that city, by all means of confirming and increasing their happy and wealthy estate, not only a just and gracious sovereign lord and king, but a special and bountiful patron and benefactor.

And we on our part, as well in remuneration of all their loyal and loving affections, as in discharge of our princely office, do promise and assure them, that as all manner of estates have concurred and consented in their duty and zeal towards us, so it shall be our continual care and resolution to preserve and maintain every several estate in a happy and flourishing condition, without confusion or overgrowing of any one to the prejudice, discontentment, or discouragement of the rest: and generally in all estates we hope God will strengthen and assist us not only to extirpate all gross and notorious abuses and corruptions, of simonies, briberies, extortions, exactions, oppressions, vexations, burthensome payments, and overcharges, and the like; but farther to extend our princely care to the supply of the very neglects and omissions of any thing that may tend to the good of our people. So that every place and service that is fit for the honour or good of the commonwealth shall be filled, and no man's virtue lie idle, unemployed, or unrewarded; and every good ordinance and constitution, for the amendment of the estate and times, be revived and put in execution.

In the mean time, minding by God's leave, all delays set apart, to comfort and secure our loving subjects in our kingdom of England by our personal presence there, we require all our loving subjects joyfully to expect the same: and yet so, as we signify our will and pleasure to be, that all such ceremonies and preparations as shall be made and used to do us honour, or to express gratulation, be rather comely and orderly, than sumptuous and glorious; and for the expressing of magnificence, that it be rather employed and bestowed upon the funeral of the late queen, to whose memory, we are of opinion, that much honour cannot be done or performed.

A DRAUGHT OF A PROCLAMATION

TOUCHING HIS MAJESTY'S STYLE.

2do JACOBI.

[PREPARED, NOT USED.]

As it is a manifest token, or rather a substantial effect, of the wrath and indignation of God, when kingdoms are rent and divided, which have formerly been entire and united under one monarch and governor; so, on the contrary part, when it shall please the Almighty, by whom kings reign as his deputies and lieutenants, to enlarge his commissions of empire and sovereignty, and to commit those nations to one king to govern, which he hath formerly committed to several kings, it is an evident argument of his great favour both upon king and upon people: upon the king, inasmuch as he may with comfort conceive that he is one of those servants to whom it was said, "Thou hast been faithful in the less, I will make thee lord of more;" upon the people, because the greatness of kingdoms and dominions, especially not being scattered, but adjacent and compact, doth ever bring with it greater security from outward enemies, and greater freedom from inward burdens, unto both which people under petty and weak estates are more exposed; which so happy fruit of the union of kingdoms is chiefly to be understood, when such conjunction or augmentation is not wrought by conquest and violence, or by pact and submission, but by the law of nature and hereditary descent. For in conquest it is commonly seen, although the bulk and quantity of territory be increased, yet the strength of kingdoms is diminished, as well by the wasting of the forces of both parts in the conflict, as by the evil coherence of the nation conquering and conquered, the one being apt to be insolent, and the other discontent; and so both full of jealousies and discord. And where countries are annexed only by act of estates and submissions, such submissions are commonly grounded upon fear, which is no good author of continuance, besides the quarrels and revolts which do ensue upon conditional and articulate subjections: but when the lines of two kingdoms do meet in the person of one monarch, as in a true point or perfect angle; and that from marriage, which is the first conjunction in human society, there shall proceed one inheritor in blood to several kingdoms, whereby they are actually united and incorporate under one head; it is the work of God and nature, whereunto the works of force and policy cannot attain; and it is that which hath not in itself any manner of seeds of discord or disunion, other than such as envy and malignity shall sow, and which groundeth an union, not only indissoluble, but also most comfortable and happy amongst the people.

We therefore in all humbleness acknowledge, that it is the great and blessed work of Almighty God, that these two ancient and mighty realms of England and Scotland, which by nature have no true but an imaginary separation, being both situate and comprehended in one most famous and renowned island of Great Britany, compassed by the ocean, without any mountains, seas, or other boundaries of nature, to make any partition, wall, or trench, between them, and being also exempted from the first curse of disunion, which was the confusion of tongues, and being people of a like constitution of mind and body, especially in warlike prowess and disposition; and yet nevertheless have in so many ages been disjoined under several kings and governors, are now at the last by right inherent in the commixture of our blood, united in our person and generation; wherein it hath pleased God to anoint us with the oil of gladness and gratulation above our progenitors, kings of either nation. Neither can we sufficiently contemplate and behold the passages, degrees, and insinuations, whereby it hath pleased the eternal God, to whom all his works are from the beginning known and present, to open and prepare a way to this excellent work; having first ordained that both nations should be knit in one true and reformed religion, which is the perfectest band of all unity and union; and secondly, that there should precede so long a peace continued between the nations for so many years last past, whereby all seeds and sparks of ancient discord have been laid asleep, and grown to an obliteration and oblivion; and lastly, that ourselves, in the true measure of our affections, should have so just cause to embrace both nations with equal and indifferent love and inclination, inasmuch as our birth and the passing of the first part of our age hath been in the one nation, and our principal seat and mansion, and the passing of the latter part of our days, is like to be in the other. Which our equal and upright holding of the balance between both nations, being the highest point of all others in our distributive justice, we give the world to know, that we are constantly resolved to preserve inviolate against all emulations and partialities, not making any difference at all between the subjects of either nation, in affection, honours, favours, gifts, employments, con-

fidences, or the like; but only such as the true distinctions of the persons, being capable or not capable, fit or not fit, acquainted with affairs or not acquainted with affairs, needing our princely bounty or not needing the same, approved to us by our experience or not approved, meriting or not meriting, and the several degrees of these and the like conditions, shall in right reason tie us unto, without any manner of regard to the country in itself; to the end that they may well perceive, that in our mind and apprehension they are all one and the same nation: and that our heart is truly placed in the centre of government, from whence all lines to the circumference are equal and of one space and distance.

But for the further advancing and perfecting of this work, we have taken into our princely care and cogitations, what it is that may appertain to our own imperial power, right, and authority: and what requireth votes and assents of our parliaments or estates; and again, what may presently be done, and what must be left to farther time, that our proceeding may be void of all inconvenience and informality; wherein by the example of Almighty God, who is accustomed to begin all his great works and designments by alterations or impositions of names, as the fittest means to imprint in the hearts of people a character and expectation of that which is to follow; we have thought good to withdraw and discontinue the divided names of England and Scotland out of our regal style and title, and to use in place of them the common and contracted name of Great Britany: not upon any vain-glory, whereof, we persuade ourselves, our actions do sufficiently free us in the judgment of all the world; and if any such humour should reign in us, it were better satisfied by length of style and enumeration of kingdoms: but only as a fit signification of that which is already done, and a significant prefiguration of that which we farther intend. For as in giving names to natural persons, it is used to impose them in infancy, and not to stay till fulness of growth; so it seemed to us not unseasonable to bring in farther use this name at the first, and to proceed to the more substantial points of the union after, as fast and as far as the common good of both the realms should permit, especially considering the name of Britany was no coined, or new-advised, or affected name at pleasure, but the true and ancient name which God and time hath imposed, extant, and received in histories, in cards, and in ordinary speech and writing, where the whole island is meant to be denominate; so as it is not accompanied with so much as any strangeness in common speech. And although we never doubted, neither ever heard that any other presumed to doubt, but that the form and tenor of our regal style and title, and the delineation of the same, did only and wholly of mere right appertain to our supreme and absolute prerogative to express the same in such words or sort, as seemed good to our royal pleasure: yet because we were to have the advice and assent of our parliament concerning other points of the union, we were pleased our said parliament should, amongst the rest, take also the same into their consideration. But finding by the grave opinion of our judges, who are the interpreters of our laws, that, in case that alteration of style, which seemed to us but verbal, should be established and enacted by parliament, it might involve, by implication and consequence, not only a more present alteration, but also a farther innovation than we any ways intended; or at least might be subject to some colourable scruple of such a perilous construction: we rested well satisfied to respite the same, as to require it by act of parliament. But being still resolved and fixed that it may conduce towards this happy end of the better uniting of the nations, we have thought good by the advice of our council to take the same upon us by our proclamation, being a course safe and free from any of the perils or scruples aforesaid. And therefore we do by these presents publish, proclaim, and assume to ourselves from henceforth, according to our undoubted right, the style and title of King of Great Britany, France, and Ireland, and otherwise as followeth in our style formerly used. And we do hereby straitly charge and command our chancellor, and all such as have the custody of any of our seals; and all other our officers and subjects whatsoever, to whom it may in any ways appertain, that from henceforth in all commissions, patents, writs, processes, grants, records, instruments, impressions, sermons, and all other writings and speeches whatsoever, wherein our style is used to be set forth or recited, that our said style, as is before by these presents declared and prescribed, be only used, and no other. And because we do but now declare that which in truth was before, our will and pleasure is, that in the computation of our reign, as to all writings or instruments hereafter to be made, the same computation be taken and made, as if we had taken upon us the style aforesaid immediately after the decease of our late dear sister. And we do notify to all our subjects, that if any person, of what degree or condition soever he be, shall impugn our said style, or derogate and detract from the same by any arguments, speeches, words, or otherwise; we shall proceed against him, as against an offender against our crown and dignity, and a disturber of the quiet and peace of our kingdom, according to the utmost severity of our laws in that behalf. Nevertheless, our meaning is not, that where in any writ, pleading, or other record, writing, instrument of speech, it hath been used for mention to be made of England or the realm of England, or any other word or words derived from the same, and not of our whole and entire style and title; that therein any alteration at all be used by pretext of this our proclamation, which we intend to take place only where our whole style shall be recited, and not otherwise; and in the other cases the ancient form to be used and observed.

A SPEECH

MADE BY

SIR FRANCIS BACON, KNIGHT,

CHOSEN BY THE COMMONS

TO PRESENT A PETITION TOUCHING PURVEYORS:

DELIVERED TO HIS MAJESTY IN THE WITHDRAWING-CHAMBER AT WHITEHALL, IN THE PARLIAMENT HELD PRIMO ET SECUNDO JACOBI, THE FIRST SESSION.

It is well known to your Majesty, excellent king, that the emperors of Rome, for their better glory and ornament, did use in their titles the additions of the countries and nations where they had obtained victories; as Germanicus, Britannicus, and the like. But after all those names, as in the higher place, followed the name of Pater Patriæ, as the greatest name of all human honour immediately preceding that name of Augustus; whereby they took themselves to express some affinity that they had, in respect of their office, with divine honour. Your Majesty might, with good reason, assume to yourself many of those other names; as Germanicus, Saxonicus, Britannicus, Francicus, Danicus, Gothicus, and others, as appertaining to you not by bloodshed, as they bare them, but by blood; your Majesty's royal person being a noble confluence of streams and veins wherein the royal blood of many kingdoms of Europe are met and united. But no name is more worthy of you, nor may more truly be ascribed unto you, than that name of father of your people, which you bear and express not in the formality of your style, but in the real course of your government. We ought not to say unto you as was said to Julius Cæsar, "Quæ miremur, habemus; quæ laudemus, expectamus:" that we have already wherefore to admire you, and that now we expect somewhat for which to commend you; for we may, without suspicion or flattery, acknowledge, that we have found in your Majesty great cause, both of admiration and commendation. For great is the admiration, wherewith you have possessed us since this parliament began in those two causes wherein we have had access unto you, and heard your voice, that of the return of Sir Francis Goodwin, and that of the union; whereby it seemeth unto us, the one of these being so subtle a question of law; and the other so high a cause of estate, that as the Scripture saith of the wisest king, "that his heart was as the sands of the sea;" which though it be one of the largest and vastest bodies, yet it consisteth of the smallest motes and portions: so, I say, it appeareth unto us in these two examples, that God hath given your Majesty a rare sufficiency, both to compass and fathom the greatest matters, and to discern the least. And for matter of praise and commendation, which chiefly belongeth to goodness, we cannot but with great thankfulness profess, that your Majesty, within the circle of one year of your reign, infra orbem anni vertentis, hath endeavoured to unite your church, which was divided; to supply your nobility, which was diminished; and to ease your people in cases where they were burdened and oppressed.

In the last of these your high merits, that is, the ease and comfort of your people, doth fall out to be comprehended the message which I now bring unto your Majesty, concerning the great grievance arising by the manifold abuses of purveyors, differing in some degree from most of the things wherein we deal and consult; for it is true, that the knights, citizens, and burgesses, in parliament assembled, are a representative body of your commons and third estate; and in many matters, although we apply ourselves to perform the trust of those that choose us, yet it may be, we do speak much out of our own senses and discourses. But in this grievance, being of that nature whereunto the poor people is most exposed, and men of quality less, we shall most humbly desire your Majesty to conceive, that your Majesty doth not hear our opinions or senses, but the very groans and complaints themselves of your commons more truly and vively, than by representation. For there is no grievance in your kingdom so general, so continual, so sensible, and so bitter unto the common subject, as this whereof we now speak; wherein it may please your Majesty to vouchsafe me leave, first, to set forth unto you the dutiful and respective carriage of our proceeding; next, the substance of our petition; and thirdly, some reasons and motives which in all humbleness we do offer to your Majesty's royal consideration or commiseration; we assuring ourselves that never king reigned that had better

notions of head, and motions of heart, for the good and comfort of his loving subjects.

For the first: in the course of remedy which we desire, we pretend not, nor intend not, in any sort, to derogate from your Majesty's prerogative, nor to touch, diminish, or question any of your Majesty's regalities or rights. For we seek nothing but the reformation of abuses, and the execution of former laws whereunto we are born. And although it be no strange thing in parliament for new abuses to crave new remedies, yet nevertheless in these abuses, which if not in nature, yet in extremity and height of them, are most of them new, we content ourselves with the old laws: only we desire a confirmation and quickening of them in their execution; so far are we from any humour of innovation or encroachment.

As to the court of the green cloth, ordained for the provision of your Majesty's most honourable household, we hold it ancient, we hold it reverend. Other courts respect your politic person, but that respects your natural person. But yet, notwithstanding, most excellent king, to use that freedom which to subjects that pour out their griefs before so gracious a king, is allowable, we may very well allege unto your Majesty, a comparison or similitude used by one of the fathers * in another matter, and not unfitly representing our case in this point: and it is of the leaves and roots of nettles; the leaves are venomous and stinging where they touch; the root is not so, but is without venom or malignity; and yet it is the root that bears and supports all the leaves. This needs no farther application.

To come now to the substance of our petition. It is no other, than by the benefit of your Majesty's laws to be relieved of the abuses of purveyors; which abuses do naturally divide themselves into three sorts: the first, they take in kind that they ought not to take; the second, they take in quantity a far greater proportion than cometh to your Majesty's use; the third, they take in an unlawful manner, in a manner, I say, directly and expressly prohibited by divers laws.

For the first of these, I am a little to alter their name; for instead of takers, they become taxers; instead of taking provision for your Majesty's service, they tax your people ad redimendam vexationem: imposing upon them, and extorting from them, divers sums of money, sometimes in gross, sometimes in the nature of stipends annually paid, ne noceant, to be freed and eased of their oppression. Again, they take trees, which by law they cannot do; timber-trees, which are the beauty, countenance, and shelter of men's houses; that men have long spared from their own purse and profit; that men esteem, for their use and delight, above ten times the value; that are a loss which men cannot repair or recover. These do they take, to the defacing and spoiling of your subjects' mansions and dwellings, except they may be compounded with their own appetites. And if a gentleman be too hard for them while he is at home, they will watch their time when there is but a bailiff or a servant remaining, and put the axe to the root of the tree, ere ever the master can stop it. Again, they use a strange and most unjust exaction, in causing the subjects to pay poundage of their own debts, due from your Majesty unto them; so as a poor man, when he hath had his hay, or his wood, or his poultry, which perchance he was full loth to part with, and had for the provision of his own family, and not to put to sale, taken from him, and that not at a just price, but under the value, and cometh to receive his money, he shall have after the rate of twelve pence in the pound abated for poundage of his due payment, upon so hard conditions. Nay farther, they are grown to that extremity, as is affirmed, though it be scarce credible, save that in such persons all things are credible, that they will take double poundage, once when the debenture is made, and again the second time when the money is paid.

For the second point, most gracious sovereign, touching the quantity which they take, far above that which is answered to your Majesty's use: they are the only multipliers in the world; they have the art of multiplication. For it is affirmed unto me by divers gentlemen of good report and experience in these causes, as a matter which I may safely avouch before your Majesty, to whom we owe all truth, as well of information as subjection, that there is no pound profit which redoundeth to your Majesty in this course, but induceth and begetteth three pound damage upon your subjects, besides the discontentment. And to the end they may make their spoil more securely, what do they? Whereas divers statutes do strictly provide, that whatsoever they take, shall be registered and attested, to the end, that by making a collation of that which is taken from the country, and that which is answered above, their deceits might appear; they, to the end to obscure their deceits, utterly omit the observation of this, which the law prescribeth.

And therefore to descend, if it may please your Majesty, to the third sort of abuse, which is of the unlawful manner of their taking, whereof this omission is a branch; and it is so manifold, as it rather asketh an enumeration of some of the particulars, than a prosecution of all. For their price: by law they ought to take as they can agree with the subject; by abuse they take at an imposed and enforced price: by law they ought to make but one apprisement by neighbours in the country; by abuse they make a second apprisement at the court-gate; and when the subject's cattle come up many miles lean, and out of plight, by reason of their great travel, then they prize them anew at an abated price: by law they ought to take between sun and sun; by abuse they take by twilight, and in the night-time, a time well chosen for malefactors: by law they ought not to take in the highways, a place by your Majesty's high prerogative protected, and by statute by special words excepted; by abuse they take in the ways, in contempt of your Majesty's prerogative and laws: by law they ought to show their commission, and the form of commission is by law set down; the commissions they bring down, are against the law, and because they know so much, they will not show them. A number of other particulars

* St. Augustine.

there are, whereof as I have given your Majesty a taste, so the chief of them upon deliberate advice are set down in writing by the labour of some committees, and approbation of the whole house, more particularly and lively than I can express them, myself having them at the second hand by reason of my abode above. But this writing is a collection of theirs who dwell amongst the abuses of these offenders, and the complaints of the people; and therefore must needs have a more perfect understanding of all the circumstances of them.

It remaineth only that I use a few words, the rather to move your Majesty in this cause: a few words, I say, a very few; for neither need so great enormities any aggravating, neither needeth so great grace, as useth of itself to flow from your Majesty's princely goodness, any artificial persuading. There be two things only which I think good to set before your Majesty; the one the example of your most noble progenitors kings of this realm, who from the first king that endowed this kingdom with the great charters of their liberties, until the last, all save one, who as he was singular in many excellent things, so I would he had not been alone in this, have ordained, every one of them in their several reigns, some laws or law against this kind of offenders: and especially the example of one of them, that king, who for his greatness, wisdom, glory, and union of several kingdoms, resembleth your Majesty most, both in virtue and fortune, king Edward III. who, in his time only, made ten several laws against this mischief. The second is the example of God himself; who hath said and pronounced, "That he will not hold him guiltless that taketh his name in vain." For all these great misdemeanors are committed in and under your Majesty's name: and therefore we hope your Majesty will hold them twice guilty that commit these offences; once for the oppressing of the people, and once more for doing it under the colour and abuse of your Majesty's most dreaded and beloved name. So then I will conclude with the saying of Pindarus, "Optima res aqua;" not for the excellency, but for the common use of it; and so contrariwise the matter of abuse of purveyance, if it be not the most heinous abuse, yet certainly it is the most common and general abuse of all others in this kingdom.

It resteth, that, according to the command laid upon me, I do in all humbleness present this writing to your Majesty's royal hands, with most humble petition on the behalf of the commons, that as your Majesty hath been pleased to vouchsafe your gracious audience to hear me speak, so you would be pleased to enlarge your patience to hear this writing read, which is more material.

A BRIEF DISCOURSE

OF THE

HAPPY UNION OF THE KINGDOMS OF ENGLAND AND SCOTLAND.

DEDICATED IN PRIVATE TO HIS MAJESTY.*

I do not find it strange, excellent king, that when Heraclitus, he that was surnamed the obscure, had set forth a certain book which is not now extant, many men took it for a discourse of nature, and many others took it for a treatise of policy. For there is a great affinity and consent between the rules of nature, and the true rules of policy: the one being nothing else but an order in the government of the world; and the other an order in the government of an estate. And therefore the education and erudition of the kings of Persia was in a science which was termed by a name then of great reverence, but now degenerate and taken in the ill part. For the Persian magic, which was the secret literature of their kings, was an application of the contemplations and observations of nature unto a true politic; taking the fundamental laws of nature, and the branches and passages of them, as an original or first model, whence to take and describe a copy and imitation for government.

After this manner the foresaid instructors set before their kings the examples of the celestial bodies, the sun, the moon, and the rest, which have great glory and veneration, but no rest or intermission: being in a perpetual office of motion, for the cherishing, in turn and in course of inferior bodies; expressing likewise the true manner of the motions of government, which though they ought to be swift and rapid in respect of despatch and occasions, yet are they to be constant and regular, without wavering or confusion.

So did they represent unto them how the heavens do not enrich themselves by the earth and the seas, nor keep no dead stock nor untouched treasures of that they draw to them from below; but whatsoever moisture they do levy and take from both elements in vapours, they do spend and turn back again in showers, only holding and storing them up for a time, to the end to issue and distribute them in season.

But chiefly they did express and expound unto them that fundamental law of nature, whereby all things do subsist and are preserved; which is, that every thing in nature, although it hath its private

* Printed in 1603, in 12mo.

and particular affection and appetite, and doth follow and pursue the same in small moments, and when it is free and delivered from more general and common respects; yet, nevertheless, when there is question or case for sustaining of the more general, they forsake their own particularities, and attend and conspire to uphold the public.

So we see the iron in small quantity will ascend and approach to the loadstone upon a particular sympathy: but if it be any quantity of moment, it leaveth its appetite of amity to the loadstone, and, like a good patriot, falleth to the earth, which is the place and region of massy bodies.

So again the water and other like bodies do fall towards the centre of the earth, which is, as was said, their region or country: and yet we see nothing more usual in all water-works and engines, than that the water, rather than to suffer any distraction or disunion in nature, will ascend, forsaking the love to its own region or country, and applying itself to the body next adjoining.

But it were too long a digression to proceed to more examples of this kind. Your Majesty yourself did fall upon a passage of this nature in your gracious speech of thanks unto your council, when acknowledging princely their vigilances and well-deservings, it pleased you to note, that it was a success and event above the course of nature, to have so great change with so great a quiet: forasmuch as sudden mutations, as well in state as in nature, are rarely without violence and perturbation: so as still I conclude there is, as was said, a congruity between the principles of nature and policy. And lest that instance may seem to oppone to this assertion, I may even in that particular, with your Majesty's favour, offer unto you a type or pattern in nature, much resembling this event in your state; namely, earthquakes, which many of them bring ever much terror and wonder, but no actual hurt; the earth trembling for a moment, and suddenly stablishing in perfect quiet as it was before.

This knowledge then of making the government of the world a mirror for the government of a state, being a wisdom almost lost, whereof the reason I take to be because of the difficulty for one man to embrace both philosophies, I have thought good to make some proof as far as my weakness and the straits of time will suffer, to revive in the handling of one particular, wherewith now I most humbly present your Majesty: for surely, as hath been said, it is a form of discourse anciently used towards kings; and to what king should it be more proper than to a king that is studious to conjoin contemplative virtue and active virtue together?

Your Majesty is the first king that had the honour to be lapis angularis, to unite these two mighty and warlike nations of England and Scotland under one sovereignty and monarchy. It doth not appear by the records and memoirs of any true history, or scarcely by the fiction and pleasure of any fabulous narration or tradition, that ever, of any antiquity, this island of Great Britain was united under one king before this day. And yet there be no mountains nor races of hills, there be no seas or great rivers, there is no diversity of tongue or language that had invited or provoked this ancient separation or divorce. The lot of Spain was to have the several kingdoms of that continent, Portugal only excepted, to be united in an age not long past; and now in our age that of Portugal also, which was the last that held out, to be incorporate with the rest. The lot of France hath been, much about the same time likewise, to have re-annexed unto that crown the several duchies and portions which were in former times dismembered. The lot of this island is the last reserved for your Majesty's happy times, by the special providence and favour of God, who hath brought your Majesty to this happy conjunction with great consent of hearts, and in the strength of your years, and in the maturity of your experience. It resteth but that, as I promised, I set before your Majesty's princely consideration, the grounds of nature touching the union and commixture of bodies, and the correspondence which they have with the grounds of policy in the conjunction of states and kingdoms.

First, therefore, that position, Vis unita fortior, being one of the common notions of the mind, needeth not much to be induced or illustrated.

We see the sun when he entereth, and while he continueth under the sign of Leo, causeth more vehement heats than when he is in Cancer, which time his beams are nevertheless more perpendicular. The reason whereof, in great part, hath been truly ascribed to the conjunction and corradiation, in the place of heaven, of the sun with the four stars of the first magnitude, Sirius, Canicula, Cor Leonis, and Cauda Leonis.

So the moon likewise, by ancient tradition, when she is in the same sign of Leo, is said to be at the heart, which is not for any affinity which that place of heaven can have with that part of man's body, but only because the moon is then, by reason of the conjunction and nearness with the stars aforenamed, in greatest strength of influence, and so worketh upon that part in inferior bodies, which is most vital and principal.

So we see waters and liquors, in small quantity, do easily putrify and corrupt; but in large quantity subsist long, by reason of the strength they receive by union.

So in earthquakes, the more general do less hurt, by reason of the united weight which they offer to subvert; but narrow and particular earthquakes have many times overturned whole towns and cities.

So then this point touching the force of union is evident: and therefore it is more fit to speak of the manner of union; wherein again it will not be pertinent to handle one kind of union, which is union by victory, when one body doth merely subdue another, and converteth the same into its own nature, extinguishing and expulsing what part soever of it it cannot overcome. As when the fire converteth the wood into fire, purging away the smoke and the ashes as unapt matter to inflame: or when the land of a living creature doth convert and assimilate food and nourishment, purging and expelling whatsoever

it cannot convert. For these representations do answer in matter of policy to union of countries by conquest, where the conquering state doth extinguish, extirpate, and expulse any part of the state conquered, which it findeth so contrary as it cannot alter and convert it. And therefore, leaving violent unions, we will consider only of natural unions.

The difference is excellent which the best observers in nature do take between compositio and mistio, putting together, and mingling: the one being but a conjunction of bodies in place, the other in quality and consent: the one the mother of sedition and alteration, the other of peace and continuance: the other rather a confusion than an union, the other properly an union. Therefore we see those bodies which they call imperfecte mista, last not, but are speedily dissolved. For take, for example, snow or froth, which are compositions of air and water, and in them you may behold how easily they sever and dissolve, the water closing together and excluding the air.

So these three bodies which the alchemists do so much celebrate as the three principles of things; that is to say, earth, water, and oil, which it pleaseth them to term salt, mercury, and sulphur, we see, if they be united only by composition or putting together, how weakly and rudely they do incorporate: for water and earth make but an imperfect slime; and if they be forced together by agitation, yet upon a little settling, the earth resideth in the bottom. So water and oil, though by agitation it be brought into an ointment, yet after a little settling the oil will float on the top. So as such imperfect mixtures continue no longer than they are forced; and still in the end the worthiest getteth above.

But otherwise it is of perfect mixtures. For we see these three bodies, of earth, water, and oil, when they are joined in a vegetable or mineral, they are so united, as without great subtlety of art and force of extraction, they cannot be separated and reduced into the same simple bodies again. So as the difference between compositio and mistio clearly set down is this: that compositio is the joining or putting together of bodies without a new form; and mistio is the joining or putting together of bodies under a new form: for the new form is commune vinculum, and without that the old forms will be at strife and discord.

Now to reflect this light of nature upon matter of state; there hath been put in practice in government these two several kinds of policy in uniting and conjoining of states and kingdoms; the one to retain the ancient form still severed, and only conjoined in sovereignty; the other to superinduce a new form agreeable and convenient to the entire estate. The former of these hath been more usual, and is more easy; but the latter is more happy. For if a man do attentively revolve histories of all nations, and judge truly thereupon, he will make this conclusion, that there was never any states that were good commixtures but the Romans; which because it was the best state of the world, and is the best example of this point, we will chiefly insist thereupon.

In the antiquities of Rome, Virgil bringeth in Jupiter by way of oracle or prediction speaking of the mixture of the Trojans and the Italians:

> "Sermonem Ausonii patrium moresque tenebunt:
> Utque est, nomen erit: commixti corpore tantum
> Subsident Teucri; morem ritusque sacrorum
> Adjiciam: faciamque omnes uno ore Latinos.
> Hinc genus, Ausonio mixtum quod sanguine surget,
> Supra homines, supra ire Deos pietate videbis."
> *Æn.* xii. 834.

Wherein Jupiter maketh a kind of partition or distribution: that Italy should give the language and the laws; Troy should give a mixture of men, and some religious rites; and both people should meet in one name of Latins.

Soon after the foundation of the city of Rome, the people of the Romans and the Sabines mingled upon equal terms: wherein the interchange went so even, that, as Livy noteth, the one nation gave the name to the place, the other to the people. For Rome continued the name, but the people were called Quirites, which was the Sabine word, derived of Cures the country of Tatius.

But that which is chiefly to be noted in the whole continuance of the Roman government; they were so liberal of their naturalizations, as in effect they made perpetual mixtures. For the manner was to grant the same, not only to particular persons, but to families and lineages; and not only so, but to whole cities and countries. So as in the end it came to that, that Rome was communis patria, as some of the civilians call it.

So we read of St. Paul, after he had been beaten with rods, and thereupon charged the officer with the violation of the privilege of a citizen of Rome: the captain said to him, "Art thou then a Roman? That privilege hath cost me dear." To whom St. Paul replied, "But I was so born;" and yet in another place, St. Paul professeth himself, that he was a Jew by tribe: so as it is manifest that some of his ancestors were naturalized; and so it was conveyed to him and their other descendants.

So we read, that it was one of the first despites that was done to Julius Cæsar, that whereas he had obtained naturalization for a city in Gaul, one of the city was beaten with rods of the consul Marcellus.

So we read in Tacitus, that in the emperor Claudius's time, the nation of Gaul, that part which is called Comata, the wilder part, were suitors to be made capable of the honour of being senators and officers of Rome. His words are these; "Cum de supplendo senatu agitaretur, primoresque Galliæ, quæ Comata appellatur, fœdera, et civitatem Romanam pridem assecuti, jus adipiscendorum in urbe honorem expeterent; multus ea super re variusque rumor, et studiis diversis, apud principem certabatur." And in the end, after long debate, it was ruled they should be admitted.

So likewise, the authority of Nicholas Machiavel seemeth not to be contemned; who, inquiring the causes of the growth of the Roman empire, doth give judgment; there was not one greater than this, that the state did so easily compound and incorporate with strangers.

It is true that most estates and kingdoms have

taken the other course: of which this effect hath followed, that the addition of farther empire and territory hath been rather matter of burden, than matter of strength unto them: yea, and farther, it hath kept alive the seeds and roots of revolts and rebellions for many ages; as we may see in a fresh and notable example of the kingdom of Arragon: which, though it were united to Castile by marriage, and not by conquest; and so descended in hereditary union by the space of more than a hundred years; yet because it was continued in a divided government, and not well incorporated and cemented with the other crowns, entered into a rebellion upon point of their fueros, or liberties, now of very late years.

Now to speak briefly of the several parts of that form, whereby states and kingdoms are perfectly united, they are, besides the sovereignty itself, four in number; union in name, union in language, union in laws, union in employments.

For name, though it seem but a superficial and outward matter, yet it carrieth much impression and enchantment: the general and common name of Græcia made the Greeks always apt to unite, though otherwise full of divisions amongst themselves, against other nations whom they called barbarous. The Helvetian name is no small band to knit together their leagues and confederacies the faster. The common name of Spain, no doubt, hath been a special means of the better union and conglutination of the several kingdoms of Castile, Arragon, Granada, Navarre, Valentia, Catalonia, and the rest, comprehending also now lately Portugal.

For language, it is not needful to insist upon it; because both your Majesty's kingdoms are of one language, though of several dialects; and the difference is so small between them, as promiseth rather an enriching of one language than a continuance of two.

For laws, which are the principal sinews of government, they be of three natures; *jura*, which I will term freedoms or abilities, *leges*, and *mores*.

For abilities and freedoms, they were amongst the Romans of four kinds, or rather degrees. *Jus connubii, jus civitatis, jus suffragii*, and *jus petitionis* or *honorum*. *Jus connubii* is a thing in these times out of use; for marriage is open between all diversities of nations. *Jus civitatis* answereth to that we call denization or naturalization. *Jus suffragii* answereth to the voice in parliament. *Jus petitionis* answereth to place in council or office. And the Romans did many times sever these freedoms; granting *Jus connubii, sine civitate*, and *civitatem, sine suffragio*, and *suffragium, sine jure petitionis*, which was commonly with them the last.

For those we call *leges*, it is a matter of curiosity and inconveniency, to seek either to extirpate all particular customs, or to draw all subjects to one place or resort of judicature and session. It sufficeth there be a uniformity in the principal and fundamental laws, both ecclesiastical and civil: for in this point the rule holdeth which was pronounced by an ancient father, touching the diversity of rites in the church; for finding the vesture of the queen in the psalm, which did prefigure the church, was of divers colours; and finding again that Christ's coat was without a seam, he concluded well, "in veste varietas sit, scissura non sit."

For manners: a consent in them is to be sought industriously, but not to be enforced: for nothing amongst people breedeth so much pertinacy in holding their customs, as sudden and violent offer to remove them.

And as for employments, it is no more, but an indifferent hand, and execution of that verse:

Tros, Tyriusque mihi nullo discrimine agetur.

There remaineth only to remember out of the grounds of nature the two conditions of perfect mixture; whereof the former is time: for the natural philosophers say well, that compositio is opus hominis, and mistio opus naturæ. For it is the duty of man to make a fit application of bodies together: but the perfect fermentation and incorporation of them must be left to time and nature; and unnatural hasting thereof doth disturb the work, and not despatch it.

So we see, after the graft is put into the stock and bound, it must be left to time and nature to make that continuum, which at the first was but contiguum. And it is not any continual pressing or thrusting together that will prevent nature's season, but rather hinder it. And so in liquors, those commixtures which are at the first troubled, grow after clear and settled by the benefit of rest and time.

The second condition is, that the greater draw the less. So we see when two lights do meet, the greater doth darken and dim the less. And when a smaller river runneth into a greater, it loseth both its name and stream. And hereof, to conclude, we see an excellent example in the kingdoms of Judah and Israel. The kingdom of Judah contained two tribes; the kingdom of Israel contained ten. King David reigned over Judah for certain years; and after the death of Ishbosheth, the son of Saul, obtained likewise the kingdom of Israel. This union continued in him, and likewise in his son Solomon, by the space of seventy years, at least, between them both: but yet, because the seat of the kingdom was kept still in Judah, and so the less sought to draw the greater: upon the first occasion offered, the kingdoms brake again, and so continued ever after.

Thus having in all humbleness made oblation to your Majesty of these simple fruits of my devotion and studies, I do wish, and do wish it not in the nature of an impossibility, to my apprehension, that this happy union of your Majesty's two kingdoms of England and Scotland, may be in as good an hour, and under the like Divine providence, as that was between the Romans and the Sabines.

CERTAIN ARTICLES OR CONSIDERATIONS

TOUCHING THE

UNION OF THE KINGDOMS OF ENGLAND AND SCOTLAND:

COLLECTED AND DISPERSED FOR HIS MAJESTY'S BETTER SERVICE.

Your Majesty, being, I doubt not, directed and conducted by a better oracle than that which was given for light to Æneas in his peregrination, "Antiquam exquirite matrem," hath a royal, and indeed an heroical desire to reduce these two kingdoms of England and Scotland into the unity of their ancient mother kingdom of Britain. Wherein as I would gladly applaud unto your Majesty, or sing aloud that hymn or anthem, "Sic itur ad astra;" so in a more soft and submissive voice, I must necessarily remember unto your Majesty that warning or caveat, "Ardua quæ pulchra:" it is an action that requireth, yea, and needeth much, not only of your Majesty's wisdom, but of your felicity. In this argument I presumed at your Majesty's first entrance to write a few lines, indeed scholastically and speculatively, and not actively or politically, as I held it fit for me at that time; when neither your Majesty was in that your desire declared, nor myself in that service used or trusted. But now that both your Majesty hath opened your desire and purpose with such admiration, even of those who give it not so full an approbation, and that myself was by the commons graced with the first vote of all the commons selected for that cause; not in any estimation of my ability, for therein so wise an assembly could not be so much deceived, but in an acknowledgment of my extreme labours and integrity; in that business I thought myself every way bound, both in duty to your Majesty, and in trust to that house of parliament, and in consent to the matter itself, and in conformity to mine own travels and beginnings, not to neglect any pains that may tend to the furtherance of so excellent a work; wherein I will endeavour that that which I shall set down be nihil minus quam verba: for length and ornament of speech are to be used for persuasion of multitudes, and not for information of kings; especially such a king as is the only instance that ever I knew to make a man of Plato's opinion, "that all knowledge is but remembrance, and that the mind of man knoweth all things, and demandeth only to have her own notions excited and awaked:" which your Majesty's rare and indeed singular gift and faculty of swift apprehension, and infinite expansion or multiplication of another man's knowledge by your own, as I have often observed, so I did extremely admire in Goodwin's cause, being a matter full of secrets and mysteries of our laws, merely new unto you, and quite out of the path of your education, reading, and conference: wherein, nevertheless, upon a spark of light given, your Majesty took in so dexterously and profoundly, as if you had been indeed anima legis, not only in execution, but in understanding: the remembrance whereof, as it will never be out of my mind, so it will always be a warning to me to seek rather to excite your judgment briefly, than to inform it tediously; and if in a matter of that nature, how much more in this, wherein your princely cogitations have wrought themselves, and been conversant, and wherein the principal light proceeded from yourself.

And therefore my purpose is only to break this matter of the union into certain short articles and questions, and to make a certain kind of anatomy or analysis of the parts and members thereof: not that I am of opinion that all the questions which I now shall open, were fit to be in the consultation of the commissioners propounded. For I hold nothing so great an enemy to good resolution, as the making of too many questions; especially in assemblies which consist of many. For princes, for avoiding of distraction, must take many things by way of admittance; and if questions must be made of them, rather to suffer them to arise from others, than to grace them and authorize them as propounded from themselves. But unto your Majesty's private consideration, to whom it may better sort with me rather to speak as a remembrancer than as a counsellor, I have thought good to lay before you all the branches, lineaments, and degrees of this union, that upon the view and consideration of them and their circumstances, your Majesty may the more clearly discern, and more readily call to mind which of them is to be embraced, and which to be rejected: and of these, which are to be accepted, which of them is presently to be proceeded in, and which to be put over to farther time. And again, which of them shall require authority of parliament, and which are fitter to be effected by your Majesty's royal power and prerogative, or by other policies or means; and lastly, which of them is liker to pass with difficulty and contradiction, and which with more facility and smoothness.

First, therefore, to begin with that question, that, I suppose, will be out of question.

Statutes concerning Scotland and the Scottish nation.

Whether it be not meet, that the statutes which were made touching Scotland or the Scottish nation, while the kingdoms stood severed, be repealed?

It is true, there is a diversity in these; for some of these laws consider Scotland as an enemy's country; other laws consider it as a foreign country only: as for example; the law of Rich. II. anno 7. which prohibiteth all armour or victual to be carried to Scotland; and the law of 7 of K. Henry VII. that enacteth all the Scottish men to depart the realm within a time prefixed. Both these laws, and some others, respect Scotland as a country of hostility: but the law of 22 of Edward IV. that endueth Berwick with the liberty of a staple, where all Scottish merchandises should resort that should be uttered for England, and likewise all English merchandises that should be uttered for Scotland; this law beholdeth Scotland only as a foreign nation; and not so much neither; for there have been erected staples in towns of England for some commodities, with an exclusion and restriction of other parts of England.

But this is a matter of the least difficulty; your Majesty shall have a calendar made of the laws, and a brief of the effect; and so you may judge of them: and the like or reciproque is to be done by Scotland for such laws as they have concerning England and the English nation.

Laws, customs, commissions, officers of the borders or marches.

The second question is, what laws, customs, commissions, officers, garrisons, and the like, are to be put down, discontinued, or taken away upon the borders of both realms?

To this point, because I am not acquainted with the orders of the marches, I can say the less.

Herein falleth that question, whether that the tenants, who hold their tenants' rights in a greater freedom and exemption, in consideration of their service upon the borders, and that the countries themselves, which are in the same respect discharged of subsidies and taxes, should not now be brought to be in one degree with other tenants and countries; "nam cessante causa, tollitur effectus?" Wherein, in my opinion, some time would be given; "quia adhuc eorum messis in herba est:" but some present ordinance would be made to take effect at a future time, considering it is one of the greatest points and marks of the division of the kingdoms. And because reason doth dictate, that where the principal solution of continuity was, there the healing and consolidating plaster should be chiefly applied; there would be some farther device for the utter and perpetual confounding of those imaginary bounds, as your Majesty termeth them: and therefore it would be considered, whether it were not convenient to plant and erect at Carlisle or Berwick some council or court of justice, the jurisdiction whereof might extend part into England and part into Scotland, with a commission not to proceed precisely, or merely according to the laws and customs either of England or Scotland, but mixtly, according to instructions by your Majesty to be set down, after the imitation and precedent of the council of the marches here in England, erected upon the union of Wales?

Farther union besides the removing of inconvenient and dissenting laws and usages.

The third question is that which many will make a great question of, though perhaps your Majesty will make no question of it; and that is, whether your Majesty should not make a stop or stand here, and not to proceed to any farther union, contenting yourself with the two former articles or points.

For it will be said, that we are now well, thanks be to God and your Majesty, and the state of neither kingdom is to be repented of; and that it is true which Hippocrates saith, that "Sana corpora difficile medicationes ferunt," it is better to make alterations in sick bodies than in sound. The consideration of which point will rest upon these two branches; what inconveniences will ensue with time, if the realms stand as they are divided, which are yet not found nor sprung up. For it may be the sweetness of your Majesty's first entrance, and the great benefit that both nations have felt thereby, hath covered many inconveniences: which, nevertheless, be your Majesty's government never so gracious and politic, continuance of time and the accidents of time may breed and discover, if the kingdoms stand divided.

The second branch is; allow no manifest or important peril or inconvenience should ensue of the continuing of the kingdoms divided, yet on the other side, whether that upon the farther uniting of them, there be not like to follow that addition and increase of wealth and reputation, as is worthy your Majesty's virtues and fortune, to be the author and founder of, for the advancement and exaltation of your Majesty's royal posterity in time to come?

Points wherein the nations stand already united.

But admitting that your Majesty should proceed to this more perfect and entire union, wherein your Majesty may say, "Majus opus moveo;" to enter into the parts and degrees thereof, I think fit first to set down, as in a brief table, in what points the nations stand now at this present time already united, and in what points yet still severed and divided, that your Majesty may the better see what is done, and what is to be done; and how that which is to be done is to be inferred upon that which is done.

The points wherein the nations stand already united are:

In sovereignty.

In the relative thereof, which is subjection.

In religion.

In continent.

In language.

And now lastly, by the peace by your Majesty concluded with Spain, in leagues and confederacies; for now both nations have the same friends and the same enemies.

Yet notwithstanding there is none of the six points, wherein the union is perfect and consummate; but every of them hath some scruple or rather grain of separation inwrapped and included in them.

Sovereignty, line royal.

For the sovereignty, the union is absolute in your Majesty and your generation: but if it should so be, which God of his infinite mercy defend, that your issue should fail, then the descent of both realms doth resort to the several lines of the several bloods royal.

Subjection, obedience.

For subjection, I take the law of England to be clear, what the law of Scotland is I know not, that all Scotsmen from the very instant of your Majesty's reign begun are become denizens, and the post-nati are naturalized subjects of England for the time forwards: for by our laws none can be an alien but he that is of another allegiance than our sovereign lord the king's: for there be but two sorts of aliens, whereof we find mention in our law, an alien ami, and an alien enemy; whereof the former is a subject of a state in amity with the king, and the latter a subject of a state in hostility: but whether he be one or other, it is an essential difference unto the definition of an alien, if he be not of the king's allegiance; as we see it evidently in the precedent of Ireland, who, since they were subjects to the crown of England, have ever been inheritable and capable as natural subjects; and yet not by any statute or act of parliament, but merely by the common law, and the reason thereof. So as there is no doubt, that every subject of Scotland was, and is in like plight and degree, since your Majesty's coming in, as if your Majesty had granted particularly your letters of denization or naturalization to every of them, and the post-nati wholly natural. But then on the other side, for the time backwards, and for those that were ante-nati, the blood is not by law naturalized, so as they cannot take it by descent from their ancestors without act of parliament: and therefore in this point there is a defect in the union of subjection.

Alien, naturalization.

Religion, church government.

For matter of religion, the union is perfect in points of doctrine; but in matter of discipline and government it is imperfect.

Continent, borders.

For the continent, it is true there are no natural boundaries of mountains or seas, or navigable rivers; but yet there are badges and memorials of borders; of which point I have spoken before.

Language, dialect.

For the language, it is true the nations are unius labii, and have not the first curse of disunion, which was confusion of tongues, whereby one understood not another. But yet the dialect is differing, and it remaineth a kind of mark of distinction. But for that, tempori permittendum, it is to be left to time. For considering that both languages do concur in the principal office and duty of a language, which is to make a man's self understood: for the rest, it is rather to be accounted, as was said, a diversity of dialect than of language: and, as I said in my first writing, it is like to bring forth the enriching of one language, by compounding and taking in the proper and significant words of either tongue, rather than a continuance of two languages.

Leagues, confederacies, treaties.

For leagues and confederacies, it is true, that neither nation is now in hostility with any state, wherewith the other nation is in amity: but yet so, as the leagues and treaties have been concluded with either nation respectively, and not with both jointly; which may contain some diversity of articles of straitness of amity with one more than the other.

But many of these matters may perhaps be of that kind, as may fall within that rule, "In veste varietas sit, scissura non sit."

Nor to descend to the particular points wherein the realms stand severed and divided, over and besides the former six points of separation, which I have noted and placed as defects or abatements of the six points of the union, and therefore shall not need to be repeated: the points, I say, yet remaining, I will divide into external and internal.

External points of the separation and union.

The external points therefore of the separation are four.

1. The several crowns, I mean the ceremonial and material crowns.

2. The second is the several names, styles, or appellations.

3. The third is the several prints of the seals.

4. The fourth is the several stamps or marks of the coins or moneys.

It is true, that the external are in some respect and parts much mingled and interlaced with considerations internal; and that they may be as effectual to the true union, which must be the work of time, as the internal, because they are operative upon the conceits and opinions of the people; the uniting of whose hearts and affections is the life and true end of this work.

The ceremonial and material crowns.

For the ceremonial crowns, the question will be, whether there shall be framed one new imperial crown of Britain to be used for the times to come? Also, admitting that to be thought convenient, whether in the frame thereof there shall not be some reference to the crowns of Ireland and France?

Also, whether your Majesty should repeat or iterate your own coronation and your queen's, or only ordain that such new crown shall be used by your posterity hereafter?

The difficulties will be in the conceit of some inequality, whereby the realm of Scotland may be thought to be made an accession unto the realm of England. But that resteth in some circumstances; for the compounding of the two crowns is equal; the calling of the new crown the crown of Britain is equal. Only the place of coronation, if it shall be at Westminster, which is the ancient, august, and sacred place for the kings of England, may seem to make an inequality. And again, if the crown of Scotland be discontinued, then that ceremony, which I hear is used in the parliament of Scotland in the absence of the kings, to have the crowns carried in solemnity, must likewise cease.

The styles and names.

For the name, the main question is, whether the contracted name of Britain shall be by your Majesty used, or the divided names of England and Scotland?

Admitting there shall be an alteration, then the case will require these inferior questions:

First, whether the name of Britain shall only be used in your Majesty's style, where the entire style is recited; and in all other forms the divided names to remain both of the realms and of the people? or otherwise that the very divided names of realms and people shall likewise be changed or turned into special or subdivided names of the general name? that is to say, for example, whether your Majesty in your style shall denominate yourself king of Britain, France, and Ireland, &c. and yet nevertheless, in any commission, writ, or otherwise, where your Majesty mentions England or Scotland, you shall retain the ancient names, as "secundum consuetudinem regni nostri Angliæ;" or whether those divided names shall be for ever lost and taken away, and turned into the subdivisions of South-Britain and North-Britain, and the people to be South-Britons and North-Britons? And so in the example aforesaid, the tenour of the like clause to run "secundum consuetudinem Britanniæ australis."

Also, if the former of these shall be thought convenient, whether it were not better for your Majesty to take that alteration of style upon you by proclamation, as Edward the third did the style of France, than to have it enacted by parliament?

Also, in the alteration of the style, whether it were not better to transpose the kingdom of Ireland, and put it immediately after Britain, and so place the islands together; and the kingdom of France, being upon the continent, last; in regard that these islands of the western ocean seem by nature and providence an entire empire in themselves; and also, that there was never king of England so entirely possest of Ireland, as your Majesty is: so as your style to run, king of Britain, Ireland, and the islands adjacent, and of France, &c.

The difficulties in this have been already thoroughly beaten over; but they gather but to two heads.

The one, point of honour and love to the former names.

The other, doubt, lest the alteration of the name may induce and involve an alteration of the laws and policies of the kingdom; both which, if your Majesty shall assume the style by proclamation, and not by parliament, are in themselves satisfied: for then the usual names must needs remain in writs and records, the forms whereof cannot be altered but by act of parliament, and so the point of honour satisfied. And again, your proclamation altereth no law; and so the scruple of a tacit or implied alteration of laws likewise satisfied. But then it may be considered, whether it were not a form of the greatest honour, if the parliament, though they did not enact it, yet should become suitors and petitioners to your Majesty to assume it?

The seals.

For the seals, that there should be but one great seal of Britain, and one chancellor, and that there should only be a seal in Scotland for processes and ordinary justice; and that all patents of grants of lands or otherwise, as well in Scotland as in England, should pass under the great seal here, kept about your person; it is an alteration internal, whereof I do not now speak.

But the question in this place is, whether the great seals of England and Scotland should not be changed into one and the same form of image and superscription of Britain, which, nevertheless, is requisite should be with some one plain or manifest alteration, lest there be a buzz, and suspect that grants of things in England may be passed by the seal of Scotland, or e converso?

Also whether this alteration of form may not be done without act of parliament, as the great seals have used to be heretofore changed as to their impressions?

For the moneys, as to the real and internal consideration thereof, the question will be, whether your Majesty shall not continue two mints? which, the distance of territory considered, I suppose will be of necessity.

The standards and stamps, moneys.

Secondly, how the standard, if it be not already done, as I hear some doubt made of it in popular rumour, may be reduced into an exact proportion for the time to come; and likewise the computation, tale, or valuation to be made exact for the moneys already beaten?

That done, the last question is, which is only proper to this place, whether the stamp or the image and superscription of Britain for the time forwards should not be made the self-same in both places, without any difference at all? A matter also which may be done, as our law is, by your Majesty's prerogative, without act of parliament.

These points are points of demonstration, ad faciendum populum, but so much the more they go to the root of your Majesty's intention, which is to imprint and inculcate into the hearts and heads of the people, that they are one people and one nation.

In this kind also I have heard it pass abroad in speech of the erection of some new order of knighthood, with a reference to the union, and an oath appropriate thereunto, which is a point likewise deserves a consideration. So much for the external points.

Internal points of union.

The internal points of separation are as followeth.

1. Several parliaments.
2. Several councils of state.
3. Several officers of the crown.
4. Several nobilities.
5. Several laws.
6. Several courts of justice, trials, and processes.
7. Several receipts and finances.
8. Several admiralties and merchandisings.
9. Several freedoms and liberties.
10. Several taxes and imposts.

As touching the several states ecclesiastical, and the several mints and standards, and the several articles and treaties of intercourse with foreign nations, I touched them before.

In these points of the strait and more inward union, there will intervene one principal difficulty and impediment, growing from that root, which Aristotle in his Politics maketh to be the root of all division and dissension in commonwealths, and that

is equality and inequality. For the realm of Scotland is now an ancient and noble realm, substantive of itself. But when this island shall be made Britain, then Scotland is no more to be considered as Scotland, but as a part of Britain; no more than England is to be considered as England, but as a part likewise of Britain; and consequently neither of these are to be considered as things entire of themselves, but in the proportion that they bear to the whole. And therefore let us imagine, "Nam id mente possumus, quod actu non possumus," that Britain had never been divided, but had ever been one kingdom; then that part of soil or territory, which is comprehended under the name of Scotland, is in quantity, as I have heard it esteemed, how truly I know not, not past a third part of Britain; and that part of soil or territory, which is comprehended under the name of England, is two parts of Britain, leaving to speak of any difference of wealth or population, and speaking only of quantity. So then if, for example, Scotland should bring to parliament as much nobility as England, then a third part should countervail two parts; "nam si inæqualibus æqualia addas, omnia erunt inæqualia." And this, I protest before God and your Majesty, I do speak not as a man born in England, but as a man born in Britain. And therefore to descend to the particulars:

1. Parliament. For the parliaments, the consideration of that point will fall into four questions.

1. The first, what proportion shall be kept between the votes of England and the votes of Scotland?

2. The second, touching the manner of proposition, or possessing of the parliament of causes there to be handled: which in England is used to be done immediately by any member of the parliament, or by the prolocutor; and in Scotland is used to be done immediately by the lords of the articles; whereof the one form seemeth to have more liberty, and the other more gravity and maturity; and therefore the question will be, whether of these shall yield to other, or whether there should not be a mixture of both, by some commissions precedent to every parliament, in the nature of lords of the articles, and yet not excluding the liberty of propounding in full parliament afterwards?

3. The third, touching the orders of parliament, how they may be compounded, and the best of either taken?

4. The fourth, how those, which by inheritance or otherwise have offices of honour and ceremony in both the parliaments, as the lord steward with us, &c. may be satisfied, and duplicity accommodated?

2. Councils of estate. For the councils of estate, while the kingdoms stand divided, it should seem necessary to continue several councils; but if your Majesty should proceed to a strict union, then howsoever your Majesty may establish some provincial councils in Scotland, as there is here of York, and in the marches of Wales, yet the question will be, whether it will not be more convenient for your Majesty, to have but one privy council about your person, whereof the principal officers of the crown of Scotland to be for dignity sake, howsoever there abiding and remaining may be as your Majesty shall employ their service? But this point belongeth merely and wholly to your Majesty's royal will and pleasure.

3. Officers of the crown. For the officers of the crown, the consideration thereof will fall into these questions.

First, in regard of the latitude of your kingdom and the distance of place, whether it will not be matter of necessity to continue the several officers, because of the impossibility for the service to be performed by one?

The second, admitting the duplicity of officers should be continued, yet whether there should not be a difference, that one should be the principal officer, and the other to be but special and subaltern? As for example, one to be chancellor of Britain, and the other to be chancellor with some special addition, as here of the duchy, &c.

The third, if no such speciality or inferiority be thought fit, then whether both officers should not have the title and the name of the whole island and precincts? as the lord chancellor of England to be lord chancellor of Britain, and the lord chancellor of Scotland to be lord chancellor of Britain, but with several provisos that they shall not intromit themselves but within their several precincts.

4. Nobilities. For the nobilities, the consideration thereof will fall into these questions.

The first, of their votes in parliament, which was touched before, what proportion they shall bear to the nobility of England? wherein if the proportion which shall be thought fit be not full, yet your Majesty may, out of your prerogative, supply it; for although you cannot make fewer of Scotland, yet you may make more of England.

The second is touching the place and precedence wherein to marshal them according to the precedence of England in your Majesty's style, and according to the nobility of Ireland; that is, all English earls first, and then Scottish, will be thought unequal for Scotland. To marshal them according to antiquity, will be thought unequal for England. Because I hear their nobility is generally more ancient: and therefore the question will be, whether the indifferentest way were not to take them interchangeably; as for example, first, the ancient earl of England, and then the ancient earl of Scotland, and so *alternis vicibus?*

5. Laws. For the laws, to make an entire and perfect union, it is a matter of great difficulty and length, both in the collecting of them, and in the passing of them.

For first, as to the collecting of them, there must be made by the lawyers of either nation a digest under titles of their several laws and customs, as well common laws as statutes, that they may be collated and compared, and that the diversities may appear and be discerned of. And for the passing of them, we see by experience that patrius mos is dear to all men, and that men are bred and nourished up in the love of it; and therefore how harsh changes and innovations are. And we see likewise what

disputation and argument the alteration of some one law doth cause and bring forth, how much more the alteration of the whole corps of the law? Therefore the first question will be, whether it be not good to proceed by parts, and to take that that is most necessary, and leave the rest to time? The parts therefore or subject of laws, are for this purpose fitliest distributed according to that ordinary division of criminal and civil, and those of criminal causes into capital and penal.

The second question therefore is, allowing the general union of laws to be too great a work to embrace; whether it were not convenient that cases capital were the same in both nations; I say the cases, I do not speak of the proceedings or trials; that is to say, whether the same offences were not fit to be made treason or felony in both places?

The third question is, whether cases penal, though not capital, yet if they concern the public state, or otherwise the discipline of manners, were not fit likewise to be brought into one degree, as the case of misprision of treason, the case of præmunire, the case of fugitives, the case of incest, the case of simony, and the rest.

But the question that is more urgent than any of these is, whether these cases at the least, be they of a higher or inferior degree, wherein the fact committed, or act done in Scotland, may prejudice the state and subjects of England, or e converso, are not to be reduced into one uniformity of law and punishment? As for example, a perjury committed in a court of justice in Scotland, cannot be prejudicial in England, because depositions taken in Scotland cannot be produced and used here in England. But a forgery of a deed in Scotland, I mean with a false date of England, may be used and given in evidence in England. So likewise the depopulating of a town in Scotland doth not directly prejudice the state of England: but if an English merchant shall carry silver and gold into Scotland, as he may, and thence transport it into foreign parts, this prejudiceth the state of England, and may be an evasion to all the laws of England ordained in that case; and therefore had need to be bridled with as severe a law in Scotland as it is here in England.

Of this kind there are many laws.

The law of the 5th of Richard II. of going over without licence, if there be not the like law of Scotland, will be frustrated and evaded: for any subject of England may go first into Scotland, and thence into foreign parts.

So the laws prohibiting transportation of sundry commodities, as gold, and silver, ordnance, artillery, corn, &c. if there be not a correspondence of laws in Scotland, will in like manner be deluded and frustrate; for any English merchant or subject may carry such commodities first into Scotland, as well as he may carry them from port to port in England; and out of Scotland into foreign parts, without any peril of law.

So libels may be devised and written in Scotland, and published and scattered in England.

Treasons may be plotted in Scotland, and executed in England.

And so in many other cases, if there be not the like severity of law in Scotland to restrain offences that there is in England, whereof we are here ignorant whether there be or no, it will be a gap or stop even for English subjects to escape and avoid the laws of England.

But for treasons, the best is that by the statute of 26 K. Henry VIII. cap. 13, any treason committed in Scotland may be proceeded with in England, as well as treasons committed in France, Rome, or elsewhere.

6. Courts of justice and administration of laws.

For courts of justice, trials, processes, and other administration of laws, to make any alteration in either nation, it will be a thing so new and unwonted to either people, that it may be doubted it will make the administration of justice, which of all other things ought to be known and certain as a beaten way, to become intricate and uncertain. And besides, I do not see that the severalty of administration of justice, though it be by court sovereign of last resort, I mean without appeal or error, is any impediment at all to the union of a kingdom: as we see by experience in the several courts of parliament in the kingdom of France. And I have been always of opinion, that the subjects of England do already fetch justice somewhat far off, more than in any nation that I know, the largeness of the kingdom considered, though it be holpen in some part by the circuits of the judges; and the two councils at York, and in the marches of Wales established.

But it may be a good question, whether, as commune vinculum of the justice of both nations, your Majesty should not erect some court about your person, in the nature of the grand council of France: to which court you might by way of evocation, draw causes from the ordinary judges of both nations; for so doth the French king from all the courts of parliament in France: many of which are more remote from Paris than any part of Scotland is from London.

7. Receits, finances, and patrimonies of the crown.

For receits and finances, I see no question will arise, in regard it will be matter of necessity to establish in Scotland a receit of treasure for payments and erogations to be made in those parts: and for the treasure of spare, in either receits, the custodies thereof may well be several; considering by your Majesty's commandment they may be at all times removed or disposed according to your Majesty's occasions.

For the patrimonies of both crowns, I see no question will arise, except your Majesty would be pleased to make one compounded annexation, for an inseparable patrimony to the crown out of the lands of both nations: and so the like for the principality of Britain, and for other appennages of the rest of your children: erecting likewise such duchies and honours, compounded of the possessions of both nations, as shall be thought fit.

8. Admiralty, navy, and merchandising.

For admiralty or navy, I see no great question will arise; for I see no inconvenience for your Majesty to continue

shipping in Scotland. And for the jurisdictions of the admiralties, and the profits and casualties of them, they will be respective unto the coasts, over-against which the seas lie and are situated; as it is here with the admiralties of England.

And for merchandising, it may be a question whether that the companies, of the merchant adventurers, of the Turkey merchants, and the Muscovy merchants, if they shall be continued, should not be compounded of merchants of both nations, English and Scottish. For to leave trade free in the one nation, and to have it restrained in the other, may percase breed some inconvenience.

Freedoms and liberties.

For freedoms and liberties, the charters of both nations may be reviewed: and of such liberties as are agreeable and convenient for the subjects and people of both nations, one great charter may be made and confirmed to the subjects of Britain; and those liberties which are peculiar or proper to either nation, to stand in state as they do.

Taxes and imposts.

But for imposts and customs, it will be a great question how to accommodate them and reconcile them: for if they be much easier in Scotland than they be here in England, which is a thing I know not, then this inconvenience will follow; that the merchants of England may unlade in the ports of Scotland; and this kingdom to be served from thence, and your Majesty's customs abated.

And for the question, whether the Scottish merchants should pay strangers custom in England? that resteth upon the point of naturalization, which I touched before.

Thus have I made your Majesty a brief and naked memorial of the articles and points of this great cause, which may serve only to excite and stir up your Majesty's royal judgment, and the judgment of wiser men whom you will be pleased to call to it; wherein I will not presume to persuade or dissuade any thing; nor to interpose mine own opinion, but do expect light from your Majesty's royal directions; unto the which I shall ever submit my judgment, and apply my travails. And I most humbly pray your Majesty, in this which is done, to pardon my errors, and to cover them with my good intention and meaning, and desire I have to do your Majesty service, and to acquit the trust that was reposed in me, and chiefly in your Majesty's benign and gracious acceptation.

THE MOST HUMBLE

CERTIFICATE OR RETURN

OF

THE COMMISSIONERS OF ENGLAND AND SCOTLAND,

AUTHORIZED TO TREAT OF AN UNION FOR THE WEAL OF BOTH REALMS:

2 JAC. I.

[PREPARED BUT ALTERED.]

We the commissioners for England and Scotland respectively named and appointed, in all humbleness do signify to his most excellent Majesty, and to the most honourable high courts of parliament of both realms, that we have assembled ourselves, consulted and treated according to the nature and limits of our commission; and forasmuch as we do find that hardly within the memory of all times, or within the compass of the universal world, there can be showed forth a fit example or precedent of the work we have in hand concurring in all points material, we thought ourselves so much the more bound to resort to the infallible and original grounds of nature and common reason, and freeing ourselves from the leading or misleading of examples, to insist and fix our considerations upon the individual business in hand, without wandering or discourses.

It seemed therefore unto us a matter demonstrative by the light of reason, that we were in the first place to begin with the remotion and abolition of all manner of hostile, envious, or malign laws on either side, being in themselves mere temporary, and now by time become directly contrary to our present most happy estate; which laws, as they are already dead in force and vigour, so we thought fit now to wish them buried in oblivion; that by the utter extinguishment of the memory of discords past, we may avoid all seeds of relapse into discords to come.

Secondly, as matter of nature not unlike the former, we entered into consideration of such limitary constitutions as served but for to obtain a form of justice between subjects under several monarchs, and did in the very grounds and motives of them presuppose incursions, and intermixture of hostility: all which occasions, as they are in themselves now vanished and done away, so we wish the abolition and cessation thereof to be declared.

Thirdly, for so much as the principal degree to

union is communion and participation of mutual commodities and benefits, it appeared to us to follow next in order, that the commerce between both nations be set open and free, so as the commodities and provisions of either may pass and flow to and fro, without any stops or obstructions, into the veins of the whole body, for the better sustentation and comfort of all the parts: with caution nevertheless, that the vital nourishment be not so drawn into one part, as it may endanger a consumption and withering of the other.

Fourthly, after the communion and participation by commerce, which can extend but to the transmission of such commodities as are movable, personal, and transitory, there succeeded naturally that other degree, that there be made a mutual endowment and donation of either realm towards other of the abilities and capacities to take and enjoy things which are permanent, real, and fixed; as namely, freehold and inheritance, and the like: and that as well the internal and vital veins of blood be opened from interruption and obstruction in making pedigree, and claiming by descent, as the external and elemental veins of passage and commerce; with reservation nevertheless unto the due time of such abilities and capacities only, as no power on earth can confer without time and education.

And lastly, because the perfection of this blessed work consisteth in the union, not only of the solid parts of the estate, but also in the spirit and sinews of the same, which are the laws and government, which nevertheless are already perfectly united in the head, but require a farther time to be united in the bulk and frame of the whole body; in contemplation hereof we did conceive that the first step thereunto was to provide, that the justice of either realm should aid and assist, and not frustrate and interrupt the justice of the other, specially in sundry cases criminal: so that either realm may not be abused by malefactors as a sanctuary or place of refuge, to avoid the condign punishment of their crimes and offences.

All which several points, as we account them, summed up and put together, but as a degree of middle term to the perfection of this blessed work; so yet we conceived them to make a just and fit period for our present consultation and proceeding.

And for so much as concerneth the manner of our proceedings, we may truly make this attestation unto ourselves, that as the mark we shot at was union and unity, so it pleased God in the handling thereof to bless us with the spirit of unity, insomuch as from our first sitting unto the breaking up of our assembly, a thing most rare, the circumstance of the cause and persons considered, there did not happen or intervene, neither in our debates or arguments, any manner of altercation or strife of words; nor in our resolutions any variety or division of votes, but the whole passed with a unanimity and uniformity of consent: and yet so, as we suppose, there was never in any consultation greater plainness and liberty of speech, argument, and debate, replying, contradicting, recalling any thing spoken where cause was, expounding any matter ambiguous or mistaken; and all other points of free and friendly interlocution and conference, without cavillations, advantages, or overtakings: a matter that we cannot ascribe to the skill or temper of our own carriage, but to the guiding and conducting of God's holy providence and will, the true author of all unity and agreement. Neither did we, where the business required, rest so upon our own sense and opinions, but we did also aid and assist ourselves, as well with the reverend opinion of judges and persons of great science and authority in the laws, and also with the wisdom and experience of merchants, and men expert in commerce. In all which our proceedings, notwithstanding, we are so far from pretending or aiming at any prejudication, either of his royal Majesty's sovereign and high wisdom, which we do most dutifully acknowledge to be able to pierce and penetrate far beyond the reach of our capacities: or of the solid and profound judgment of the high courts of parliament of both realms, as we do in all humbleness submit our judgments and doings to his sacred Majesty, and to the parliaments, protesting our sincerity, and craving gracious and benign construction and acceptation of our travails.

We therefore with one mind and consent have agreed and concluded, that there be propounded and presented to his Majesty and the parliament of both realms, these articles and propositions following. . . . .

A SPEECH

USED BY

SIR FRANCIS BACON, KNIGHT,

IN THE HONOURABLE HOUSE OF COMMONS, QUINTO JACOBI,

CONCERNING

THE ARTICLE OF THE GENERAL NATURALIZATION OF THE SCOTTISH NATION.

It may please you, Mr. Speaker, preface I will use none, but put myself upon your good opinion, to which I have been accustomed beyond my deservings; neither will I hold you in suspense what way I will choose, but now at the first declare myself, that I mean to counsel the house to naturalize this nation: wherein, nevertheless, I have a request to make unto you, which is of more efficacy to the purpose I have in hand than all that I shall say afterwards. And it is the same request, which Demosthenes did more than once, in great causes of estate, make to the people of Athens, "ut cum calculis suffragiorum sumant magnanimitatem reipublicæ," that when they took into their hands the balls, whereby to give their voices, according as the manner of them was, they would raise their thoughts, and lay aside those considerations which their private vocations and degrees might minister and represent unto them, and would take upon them cogitations and minds agreeable to the dignity and honour of the estate.

For, Mr. Speaker, as it was aptly and sharply said by Alexander to Parmenio, when upon their recital of the great offers which Darius made, Parmenio said unto him, "I would accept these offers, were I as Alexander:" he turned it upon him again, "So would I," saith he, "were I as Parmenio." So in this cause, if an honest English merchant, I do not single out that state in disgrace, for this island ever held it honourable, but only for an instance of a private profession, if an English merchant should say, "Surely I would proceed no farther in the union, were I as the king;" it might be reasonably answered, "No more would the king, were he as an English merchant." And the like may be said of a gentleman of the country, be he never so worthy or sufficient; or of a lawyer, be he never so wise or learned; or of any other particular condition of men in this kingdom: for certainly, Mr. Speaker, if a man shall be only or chiefly sensible of those respects which his particular vocation and degree shall suggest and infuse into him, and not enter into true and worthy considerations of estate, he shall never be able aright to give counsel, or take counsel in this matter. So that if this request be granted, I account the cause obtained.

But to proceed to the matter itself: all consultations do rest upon questions comparative: for when a question is de vero, it is simple, for there is but one truth; but when a question is de bono, it is for the most part comparative; for there be differing degrees of good and evil, and the best of the good is to be preferred and chosen, and the worst of the evil is to be declined and avoided; and therefore in a question of this nature you may not look for answer proper to every inconvenience alleged; for somewhat that cannot be especially answered may, nevertheless, be encountered, and overweighed by matter of greater moment, and therefore the matter which I shall set forth unto you will naturally receive the distribution of three parts.

The answer to the inconveniences objected concerning naturalization.

First, an answer to those inconveniences which have been alleged to ensue, if we should give way to this naturalization; which I suppose, you will not find to be so great as they have been made; but that much dross is put into the balance to help to make weight.

Secondly, an encounter against the remainder of these inconveniences which cannot properly be answered, by much greater inconveniences, which we shall incur if we do not proceed to this naturalization.

Thirdly, an encounter likewise, but of another nature, that is, by the gain and benefit which we shall draw and purchase to ourselves by proceeding to this naturalization. And yet, to avoid confusion, which evermore followeth upon too much generality, it is necessary for me, before I proceed to persuasion, to use some distribution of the points or parts of naturalization, which certainly can be no better, or none other, than the ancient distinction of "jus civitatis, jus suffragii vel tribus," and "jus petitionis sive honorum:" for all ability and capacity is either of private interest of meum et tuum, or of public service: and the public consisteth chiefly either in voice or in action, or office. Now it is the first of these, Mr. Speaker, that I will only handle at this time and in this place, and refer the other two for a

committee, because they receive more distinction and restriction.

To come therefore to the inconveniences alleged on the other part, the first of them is, that there may ensue of this naturalization a surcharge of people upon this realm of England, which is supposed already to have the full charge and content: and therefore there cannot be an admission of the adoptive without a diminution of the fortunes and conditions of those that are native subjects of this realm. A grave objection, Mr. Speaker, and very dutiful; for it proceeds not of any unkindness to the Scottish nation, but of a natural fastness to ourselves: for that answer of the virgins, "Ne forte non sufficiat vobis et nobis," proceeded not out of any envy or malign humour, but out of providence, and the original charity which begins with ourselves. And I must confess, Mr. Speaker, that as the gentleman said, when Abraham and Lot, in regard of the greatness of their families, grew pent and straitened, it is true, that, brethren though they were, they grew to difference, and to those words, "Vade tu ad dexteram, et ego ad sinistram," etc. But certainly, I should never have brought that example on that side; for we see what followed of it, how that this separation "ad dexteram et ad sinistram" caused the miserable captivity of the one brother, and the dangerous, though prosperous war of the other, for his rescue and recovery.

But to this objection, Mr. Speaker, being so weighty and so principal, I mean to give three several answers, every one of them being, to my understanding, by itself sufficient.

The opinion of the number of the Scottish nation.

The first is, that this opinion of the number of the Scottish nation, that should be likely to plant themselves here amongst us, will be found to be a thing rather in conceit than in event; for, Mr. Speaker, you shall find those plausible similitudes, of a tree that will thrive the better if it be removed into the more fruitful soil: and of sheep or cattle, that if they find a gap or passage open will leave the more barren pasture, and get into the more rich and plentiful, to be but arguments merely superficial, and to have no sound resemblance with the transplanting or transferring of families; for the tree, we know, by nature, as soon as it is set in the better ground, can fasten upon it, and take nutriment from it; and a sheep, as soon as he gets into the better pasture, what should let him to graze and feed? But there belongeth more, I take it, to a family or particular person, that shall remove from one nation to another: for if, Mr. Speaker, they have not stock, means, acquaintance and custom, habitation, trades, countenance, and the like, I hope you doubt not but they will starve in the midst of the rich pasture, and are far enough off from grazing at their pleasure: and therefore in this point, which is conjectural, experience is the best guide; for the time past is a pattern of the time to come. I think no man doubteth, Mr. Speaker, but his Majesty's first coming in was as the greatest spring-tide for the confluence and entrance of that nation. Now I would fain understand, in these four years' space, and in the fulness and strength of the current and tide, how many families of Scotsmen are planted in the cities, boroughs, and towns of this kingdom; for I do assure myself, that, more than some persons of quality about his Majesty's person here at court, and in London, and some other inferior persons, that have a dependence upon them, the return and certificate, if such a survey should be made, would be of a number extremely small: I report me to all your private knowledges of the places where you inhabit.

Now, Mr. Speaker, as I said, "Si in ligno viridi ita fit, quid fiet in arido?" I am sure there will be no more such spring-tides. But you will tell me of a multitude of families of the Scottish nation in Polonia; and if they multiply in a country so far off, how much more here at hand! For that, Mr. Speaker, you must impute it of necessity to some special accident of time and place that draws them thither: for you see plainly before your eyes, that in Germany, which is much nearer, and in France, where they are invited with privileges, and with this very privilege of naturalization, yet no such number can be found; so as it cannot either be nearness of place, or privilege of person, that is the cause. But shall I tell you, Mr. Speaker, what I think? Of all the places in the world, near or far off, they will never take that course of life in this kingdom, which they content themselves with in Poland; for we see it to be the nature of all men that they will rather discover poverty abroad, than at home. There is never a gentleman that hath overreached himself in expense, and thereby must abate his countenance, but he will rather travel, and do it abroad than at home: and we know well they have good high stomachs, and have ever stood in some terms of emulation with us: and therefore they will never live here, except they can live in good fashion. So as I assure you, Mr. Speaker, I am of opinion that the strife which we now have to admit them, will have like sequel as that contention had between the nobility and people of Rome for the admitting of a plebeian consul; which whilst it was in passage was very vehement, and mightily stood upon, and when the people had obtained it, they never made any plebeian consul, not in sixty years after: and so will this be for many years, as I am persuaded, rather a matter in opinion and reputation, than in use or effect. And this is the first answer that I give to this main inconvenience pretended, of surcharge of people.

England not peopled to the full.

The second answer which I give to this objection, is this: I must have leave to doubt, Mr. Speaker, that this realm of England is not yet peopled to the full; for certain it is, that the territories of France, Italy, Flanders, and some parts of Germany, do in equal space of ground bear and contain a far greater quantity of people, if they were mustered by the poll; neither can I see, that this kingdom is so much inferior unto those foreign parts in fruitfulness, as it is in population; which makes me conceive we have not our full charge. Besides, I do see manifestly amongst us the badges and tokens rather of scantiness, than of press of people, as drowned grounds,

commons, wastes, and the like, which is a plain demonstration, that howsoever there may be an overswelling throng and press of people here about London, which is most in our eye, yet the body of the kingdom is but thin sown with people: and whosoever shall compare the ruins and decays of ancient towns in this realm, with the erections and augmentations of new, cannot but judge that this realm hath been far better peopled in former times; it may be, in the heptarchy, or otherwise: for generally the rule holdeth, the smaller the state, the greater the population, pro rata. And whether this be true or no, we need not seek farther, than to call to our remembrance how many of us serve here in this place for desolate and decayed boroughs.

Mediterrane, not maritime countries surcharged with people.

Again, Mr. Speaker, whosoever looketh into the principals of estate, must hold that it is the mediterrane countries, and not the maritime, which need to fear surcharge of people; for all sea provinces, and especially islands, have another element besides the earth and soil, for their sustentation. For what an infinite number of people are, and may be, sustained by fishing, carriage by sea, and merchandising! Wherein again I do discover, that we are not at all pinched by the multitude of people; for if we were, it were not possible that we should relinquish and resign such an infinite benefit of fishing to the Flemings, as it is well known we do. And therefore I see, that we have wastes by sea, as well as by land; which still is an infallible argument that our industry is not awakened to seek maintenance by an over-great press or charge of people. And lastly, Mr. Speaker, there was never any kingdom in the ages of the world had, I think, so fair and happy means to issue and discharge the multitude of their people, if it were too great, as this kingdom hath, in regard of that desolate and wasted kingdom of Ireland; which being a country blessed with almost all the dowries of nature, as rivers, havens, woods, quarries, good soil, and temperate climate, and now at last under his Majesty blessed also with obedience, doth, as it were, continually call unto us for our colonies and plantations. And so I conclude my second answer to this pretended inconvenience, of surcharge of people.

The third answer, Mr. Speaker, which I give, is this: I demand what is the worst effect that can follow of surcharge of people? Look into all stories, and you shall find it none other than some honourable war for the enlargement of their borders, which find themselves pent, upon foreign parts; which inconvenience, in a valorous and warlike nation, I know not whether I should term an inconvenience or no; for the saying is most true, though in another sense, "Omne solum forti patria." It was spoken indeed of the patience of an exiled man, but it is no less true of the valour of a warlike nation. And certainly, Mr. Speaker, I hope I may speak it without offence, that if we did hold ourselves worthy, whensoever just cause should be given, either to recover our ancient rights, or to revenge our late wrongs, or to attain the honour of our ancestors, or to enlarge the patrimony of our posterity, we would never in this manner forget considerations of amplitude and greatness, and fall at variance about profit and reckonings; fitter a great deal for private persons than for parliaments and kingdoms. And thus, Mr. Speaker, I leave this first objection to such satisfaction as you have heard.

The fundamental laws of England and Scotland are diverse and several.

The second objection is, that the fundamental laws of both these kingdoms of England and Scotland are yet diverse and several; nay more, that it is declared by the instrument, that they shall so continue, and that there is no intent in his Majesty to make innovation in them: and therefore that it should not be seasonable to proceed to this naturalization, whereby to endow them with our rights and privileges, except they should likewise receive and submit themselves to our laws; and this objection likewise, Mr. Speaker, I allow to be a weighty objection, and worthy to be well answered and discussed.

The answer to the second objection.

The answer which I shall offer is this: It is true, for my own part, Mr. Speaker, that I wish the Scottish nation governed by our laws; for I hold our laws with some reducement worthy to govern, and it were the world: but this is that which I say, and I desire therein your attention, that, according to true reason of estate, naturalization is in order first and precedent to union of laws; in degree a less matter than union of laws; and in nature separable, not inseparable from union of laws; for naturalization doth but take out the marks of a foreigner, but union of laws makes them entirely as ourselves. Naturalization taketh away separation; but union of laws doth take away distinction. Do we not see, Mr. Speaker, that in the administration of the world under the great Monarch God himself, that his laws are diverse; one law in spirits, another in bodies; one law in regions celestial, another in elementary; and yet the creatures are all one mass or lump, without any vacuum or separation? Do we not likewise see in the state of the church, that amongst people of all languages and lineages there is one communion of saints, and that we are all fellow-citizens and naturalized of the heavenly Jerusalem; and yet nevertheless divers and several ecclesiastical laws, policies, and hierarchies, according to the speech of that worthy father, "In veste varietas sit, scissura non sit?" And therefore certainly, Mr. Speaker, the bond of law is the more special and private bond, and the bond of naturalization the more common and general; for the laws are rather figura reipublicæ than forma, and rather bonds of perfection than bonds of entireness: and therefore we see in the experience of our own government, that in the kingdom of Ireland, all our statute laws, since Poyning's law, are not in force; and yet we deny them not the benefit of naturalization. In Guernsey and Jersey and the isle of Man, our common laws are not in force, and yet they have the benefit of naturalization; neither need any man doubt but that our laws and customs must in small time gather and win upon theirs; for here is the seat of the kingdom, whence come the supreme

directions of estate: here is the king's person and example, of which the verse saith, "Regis ad exemplum totus componitur orbis." And therefore it is not possible, although not by solemn and formal act of estates, yet by the secret operation of no long time, but they will come under the yoke of our laws, and so dulcis tractus pari jugo. And this is the answer I give to the second objection.

Inequality in the fortunes between England and Scotland.

The third objection is, some inequality in the fortunes of these two nations, England and Scotland, by the commixture whereof there may ensue advantage to them and loss to us. Wherein, Mr. Speaker, it is well that this difference or disparity consisteth but in the external goods of fortune: for indeed it must be confessed, that for the goods of the mind and the body, they are alteri nos, other ourselves; for to do them but right, we know in their capacities and understandings they are a people ingenious, in labour industrious, in courage valiant, in body hard, active, and comely. More might be said, but in commending them we do but in effect commend ourselves: for they are of one piece and continent with us; and the truth is, we are participant both of their virtues and vices. For if they have been noted to be a people not so tractable in government, we cannot, without flattering ourselves, free ourselves altogether from that fault, being a thing indeed incident to all martial people; as we see it evident by the example of the Romans and others; even like unto fierce horses, that though they be of better service than others, yet are they harder to guide and manage.

But for this objection, Mr. Speaker, I purpose to answer it, not by the authority of Scriptures, which saith, "Beatius est dare quam accipere," but by an authority framed and derived from the judgment of ourselves and our ancestors in the same case as to this point. For, Mr. Speaker, in all the line of our kings none useth to carry greater commendation than his Majesty's noble progenitor king Edward the first of that name; and amongst his other commendations, both of war and policy, none is more celebrated than his purpose and enterprise for the conquest of Scotland, as not bending his designs to glorious acquests abroad, but to solid strength at home; which, nevertheless, if it had succeeded well, could not but have brought in all those inconveniences of the commixture of a more opulent kingdom with a less, that are not alleged. For it is

Laws or arms cannot alter the nature of climates.

not the yoke, either of our laws or arms, that can alter the nature of the climate or the nature of the soil; neither is it the manner of the commixture that can alter the matter of the commixture: and therefore, Mr. Speaker, if it were good for us then, it is good for us now, and not to be prized the less because we paid not so dear for it. But a more full answer to this objection I refer over to that which will come after, to be spoken touching surety and greatness.

The fourth objection, Mr. Speaker, is not properly an objection, but rather a pre-occupation of an objection of the other side; for it may be said, and very materially, Whereabout do we contend? The benefit of naturalization is by the law, in as many as have been or shall be born since his Majesty's coming to the crown, already settled and invested. There is no more then but to bring the ante-nati into the degree of the post-nati, that men grown that have well deserved may be in no worse case than children which have not deserved, and elder brothers in no worse case than younger brothers; so as we stand upon quiddam, not quantum, being but a little difference of time of one generation from another. To this, Mr. Speaker, it is said by some, that the law is not so, but that the post-nati are aliens as well as the rest. A point that I mean not much to argue, both because it hath been well spoken to by the gentleman that spoke last before me; and because I do desire in this case and in this place to speak rather of conveniency than of law; only this I will say, that that opinion seems to me contrary to reason of law, contrary to form of pleading in law, and contrary to authority and experience of law. For reason of law, when I meditate of it, methinks the wisdom of the common laws of England well observed, is admirable in the distribution of the benefit and protection of the laws, according to the several conditions of persons, in an excellent proportion. The degrees are four, but bipartite, two of aliens and two of subjects.

The first degree of an alien.

The first degree is of an alien born under a king or state, that is an enemy. If such an one come into this kingdom without safe conduct, it is at his peril: the law giveth him no protection, neither for body, lands, nor goods; so as if he be slain there is no remedy by any appeal at the party's suit, although his wife were an English woman: marry at the king's suit the case may be otherwise in regard of the offence to the peace.

The second degree of an alien born under a state that is a friend.

The second degree is of an alien that is born under the faith and allegiance of a king or state that is a friend. Unto such a person the law doth impart a greater benefit and protection, that is, concerning things personal, transitory, and movable, as goods and chattels, contracts, and the like, but not concerning freehold and inheritance. And the reason is, because he may be an enemy, though he be not; for the state under the obeisance of which he is, may enter into quarrel and hostility; and therefore as the law hath but a transitory assurance of him, so it rewards him but with transitory benefits.

The third degree of an alien subject.

The third degree is of a subject, who having been an alien, is made free by charter and denization. To such an one the law doth impart yet a more ample benefit: for it gives him power to purchase freehold and inheritance to his own use, and likewise enables the children born after his denization to inherit. But yet nevertheless he cannot make title or convey pedigree from any ancestor paramount; for the law thinks not good to make him in the same degree with a subject born, because he was once an alien and so might once have been an enemy: and

"nemo subito fingitur," men's affections cannot be so settled by any benefit, as when from their nativity they are inbred and inherent.

The fourth degree the perfect degree.

And the fourth degree, which is the perfect degree, is of such a person as neither is enemy, nor could have been enemy in time past, nor can be enemy in time to come; and therefore the law gives unto him the full benefit of naturalization.

Now, Mr. Speaker, if these be the true steps and paces of the law, no man can deny but whosoever is born under the king's obedience, never could "in aliquo puncto temporis" be an enemy; a rebel he might be, but no enemy, and therefore in reason of law is naturalized. Nay, contrariwise, he is bound jure nativitatis to defend this kingdom of England against all invaders or rebels; and therefore as he is obliged to the protection of arms, and that perpetually and universally, so he is to have the perpetual and universal benefit and protection of law, which is naturalization.

For form of pleading, it is true that hath been said, that if a man would plead another to be an alien, he must not only set forth negatively and privatively, that he was born out of the obedience of our sovereign lord the king, but affirmatively, under the obedience of a foreign king or state in particular, which can never be done in this case.

As for authority, I will not press it; you know all what hath been published by the king's proclamation. And for experience of law we see it in the subjects of Ireland, in the subjects of Guernsey and Jersey, parcels of the duchy of Normandy; in the subjects of Calais when it was English, which was parcel of the crown of France. But, as I said, I am not willing to enter into an argument of law, but to hold myself to point of conveniency, so as for my part I hold all post-nati naturalized ipso jure; but yet I am far from opinion, that it should be a thing superfluous to have it done by parliament; chiefly in respect of that true principle of state, "Principum actiones præcipue ad famam sunt componendæ." It will lift up a sign to all the world of our love towards them, and good agreement with them. And these are, Mr. Speaker, the material objections which have been made on the other side, whereunto you have heard my answers; weigh them in your wisdoms, and so I conclude that general part.

Now, Mr. Speaker, according as I promised, I must fill the other balance in expressing unto you the inconveniences which we shall incur, if we shall not proceed to this naturalization: wherein that inconvenience, which above all others, and alone by itself, if there were none other, doth exceedingly move me, and may move you, is a position of estate, collected out of the records of time, which is this: that wheresoever several kingdoms or estates have been united in sovereignty, if that union hath not been fortified and bound in with a farther union, and namely, that which is now in question, of naturalization, this hath followed, that at one time or other they have broken again, being upon all occasions apt to revolt and relapse to the former separation.

The union between the Romans and the Latins.

Of this assertion the first example which I will set before you, is of that memorable union which was between the Romans and the Latins, which continued from the battle at the lake of Regilla, for many years, unto the consulships of C. Plautius and L. Æmilius Mamercus.* At what time there began, about this very point of naturalization, that war which was called "Bellum sociale," being the most bloody and pernicious war that ever the Roman state endured: wherein, after numbers of battles and infinite sieges and surprises of towns, the Romans in the end prevailed and mastered the Latins; but as soon as ever they had the honour of the war, looking back into what perdition and confusion they were near to have been brought, they presently naturalized them all. You speak of a naturalization in blood; there was a naturalization indeed in blood.

Sparta and Peloponnesus.

Let me set before you again the example of Sparta, and the rest of Peloponnesus their associates. The state of Sparta was a nice and jealous state in this point of imparting naturalization to their confederates. But what was the issue of it? After they had held them in a kind of society and amity for divers years, upon the first occasion given, which was no more than the surprisal of the castle of Thebes, by certain desperate conspirators in the habit of maskers, there ensued immediately a general revolt and defection of their associates; which was the ruin of their state, never afterwards to be recovered.

The union of the kingdom of Arragon.

Of later times let me lead your consideration to behold the like events in the kingdom of Arragon; which kingdom was united with Castile and the rest of Spain in the persons of Ferdinando and Isabella, and so continued many years; but yet so as it stood a kingdom severed and divided from the rest of the body of Spain in privileges, and directly in this point of naturalization, or capacity of inheritance. What came of this? Thus much, that now of fresh memory, not past twelve years since, only upon the voice of a condemned man out of the grate of a prison towards the street, that cried, Fueros Libertad, Libertad, which is as much as, liberties or privileges, there was raised a dangerous rebellion, which was suppressed with great difficulty with an army royal. After which victory nevertheless, to shun farther inconvenience, their privileges were disannulled, and they were incorporated with Castile and the rest of Spain. Upon so small a spark, notwithstanding so long continuance, were they ready to break and sever again.

Florence and Pisa.

The like may be said of the states of Florence and Pisa, which city of Pisa being united unto Florence, but not endowed with the benefit of naturalization, upon the first light of foreign assistance, by the expedition of Charles VIII. of France into Italy, did revolt; though it be since again re-united and incorporated.

* 169 years after that battle. There are extant at this day coins or medals, in memory of a battle fought by this C. Plautius at Privernum. Another copy hath of T. Manlius and P. Decius.

The like effect in barbarous government.

The same effect we see in the most barbarous government, which shows it the rather to be an effect of nature; for it was thought a fit policy by the council of Constantinople, to retain the three provinces of Transylvania, Wallachia, and Moldavia, which were as the very nurses of Constantinople, in respect of their provisions, to the end they might be the less wasted, only under waywods as vassals and homagers, and not unto bashaws, as provinces of the Turkish empire: which policy we see by late experience proved unfortunate, as appeared by the revolt of the same three provinces, under the arms and conduct of Sigismond prince of Transylvania; a leader very famous for a time; which revolt is not yet fully recovered. Whereas we seldom or never hear of revolts of provinces incorporate to the Turkish empire.

On the other part, Mr. Speaker, because it is true what the logicians say, "Opposita juxta se posita magis elucescunt:" let us take a view, and we shall find that wheresoever kingdoms and states have been united, and that union corroborate by the bond of mutual naturalization, you shall never observe them afterwards, upon any occasion of trouble or otherwise, to break and sever again: as we see most evidently before our eyes, in divers provinces of France, that is to say, Guienne, Provence, Normandy, Britain, which, notwithstanding the infinite infesting troubles of that kingdom, never offered to break again.

Naturalization a sure bond.

We see the like effect in all the kingdoms of Spain, which are mutually naturalized, as Leon, Castile, Valentia, Andalusia, Granada, Murcia, Toledo, Catalonia, and the rest, except Arragon, which held the contrary course, and therefore had the contrary success, as was said, and Portugal, of which there is not yet sufficient trial. And lastly, we see the like effect in our own nation, which never rent asunder after it was once united; so as we now scarce know whether the heptarchy were a true story or a fable. And therefore, Mr. Speaker, when I revolve with myself these examples and others, so lively expressing the necessity of a naturalization to avoid a relapse into a separation; and do hear so many arguments and scruples made on the other side; it makes me think on the old bishop, which, upon a public disputation of certain christian divines with some learned men of the heathen, did extremely press to be heard; and they were loth to suffer him because they knew he was unlearned, though otherwise a holy and well-meaning man: but at last, with much ado, he got to be heard; and when he came to speak, instead of using argument, he did only say over his belief: but did it with such assurance and constancy, as it did strike the minds of those that heard him more than any argument had done. And so, Mr. Speaker, against all these witty and subtle arguments, I say, that I do believe, and I would be sorry to be found a prophet in it, that except we proceed with this naturalization, though perhaps not in his Majesty's time, who hath such interest in both nations, yet in the time of his descendants, these realms will be in continual danger to divide and break again. Now if any man be of that careless mind, "Maneat nostros ea cura nepotes;" or of that hard mind, to leave things to be tried by the sharpest sword: sure I am, he is not of St. Paul's opinion, who affirmeth, that whosoever useth not foresight and provision for his family, is worse than an unbeliever; much more if we shall not use foresight for these two kingdoms, that comprehend in them so many families, but leave things open to the peril of future divisions. And thus have I expressed unto you the inconvenience, which, of all others, sinketh deepest with me as the most weighty: neither do there want other inconveniences, Mr. Speaker, the effects and influence whereof, I fear, will not be adjourned to so long a day as this that I have spoken of: for I leave it to your wisdom to consider whether you do not think, in case, by the denial of this naturalization, any pique, alienation, or unkindness, I do not say should be, but should be thought to be, or noised to be between these two nations, whether it will not quicken and excite all the envious and malicious humours, wheresoever, which are now covered, against us, either foreign or at home; and so open the way to practices and other engines and machinations, to the disturbance of this state? As for that other inconvenience of his Majesty's engagement to this action, it is too binding and too pressing to be spoken of, and may do better a great deal in your minds than in my mouth, or in the mouth of any man else; because as I say, it doth press our liberty too far. And therefore, Mr. Speaker, I come now to the third general part of my division, concerning the benefit which we shall purchase by this knitting of the knot surer and straiter between these two kingdoms by the communicating of naturalization: the benefit may appear to be two, the one surety, the other greatness.

A binding inconvenience.

England never severed after once united.

Touching surety, Mr. Speaker, it was well said by Titus Quintius the Roman, touching the state of Peloponnesus, that the tortoise is safe within her shell, "Testudo intra tegumen tuta est;" but if there be any parts that lie open, they endanger all the rest. We know well, that although the state at this time be in a happy peace, yet for the time past, the more ancient enemy to this kingdom hath been the French, and the more late the Spaniard; and both these had as it were their several postern gates, whereby they might have approach and entrance to annoy us. France had Scotland, and Spain had Ireland: for these were the two accesses which did comfort and encourage both these enemies to assail and trouble us. We see that of Scotland is cut off by the union of these two kingdoms, if that it shall be now made constant and permanent; that of Ireland is cut off likewise by the convenient situation of the west of Scotland towards the north of Ireland, where the sore was: which we see, being suddenly closed, hath continued closed, by means of the salve: so that as now there are no parts of this state exposed to danger to be a temptation to the ambition of foreigners, but their approaches and avenues are taken

The benefit of surety.

away: for I do little doubt but those foreigners which had so little success when they had those advantages, will have much less comfort now that they be taken from them: and so much for surety.

The benefit of greatness.

For greatness, Mr. Speaker, I think a man may speak it soberly and without bravery, that this kingdom of England, having Scotland united, Ireland reduced, the sea provinces of the Low Countries contracted, and shipping maintained, is one of the greatest monarchies, in forces truly esteemed, that hath been in the world. For certainly the kingdoms here on earth have a resemblance with the kingdom of heaven, which our Saviour compareth, not to any great kernel or nut, but to a very small grain, yet such an one as is apt to grow and spread; and such do I take to be the constitution of this kingdom; if indeed we shall refer our counsels to greatness and power, and not quench them too much with the consideration of utility and wealth. For, Mr. Speaker, was it not, think you, a true answer that Solon of Greece made to the rich king Crœsus of Lydia, when he showed unto him a great quantity of gold that he had gathered together, in ostentation of his greatness and might? But Solon said to him, contrary to his expectation, "Why, Sir, if another come that hath better iron than you, he will be lord of all your gold." Neither is the authority of Machiavel to be despised, who scorneth that proverb of state, taken first from a speech of Mucianus, That moneys are the sinews of war; and saith, "There are no true sinews of war, but the very sinews of the arms of valiant men."

The beginning of monarchies founded in poverty.

Nay more, Mr. Speaker, whosoever shall look into the seminaries and beginnings of the monarchies of the world, he shall find them founded in poverty.

Persia, a country barren and poor, in respect of Media, which they subdued.

Macedon.

Macedon, a kingdom ignoble and mercenary until the time of Philip the son of Amyntas.

Rome.

Rome had poor and pastoral beginnings.

The Turks.

The Turks, a band of Sarmatian Scythes, that in a vagabond manner made incursion upon that part of Asia, which is yet called Turcomania; out of which after much variety of fortune, sprung the Ottoman family, now the terror of the world.

So, we know, the Goths, Vandals, Alans, Huns, Lombards, Normans, and the rest of the northern people, in one age of the world made their descent or expedition upon the Roman empire, and came not, as rovers, to carry away prey, and be gone again; but planted themselves in a number of rich and fruitful provinces, where not only their generations, but their names, remain to this day: witness Lombardy, Catalonia, a name compounded of Goth and Alan, Andalusia, a name corrupted from Vandalitia, Hungaria, Normandy, and others.

The Switzers.

Nay, the fortune of the Swisses of late years, which are bred in a barren and mountainous country, is not to be forgotten: who first ruined the duke of Burgundy, the same who had almost ruined the kingdom of France, what time, after the battle near Granson, the rich jewel of Burgundy, prized at many thousands, was sold for a few pence by a common Swiss, that knew no more what a jewel meant than did Æsop's cock. And again, the same nation, in revenge of a scorn, was the ruin of the French king's affairs in Italy, Lewis XII. For that king, when he was pressed somewhat rudely by an agent of the Switzers to raise their pensions, brake into words of choler: "What," saith he, "will these villains of the mountains put a tax upon me?" Which words lost him his duchy of Milan, and chased him out of Italy.

All which examples, Mr. Speaker, do well prove Solon's opinion of the authority and mastery that iron hath over gold. And therefore, if I shall speak unto you mine own heart, methinks we should a little disdain that the nation of Spain, which howsoever of late hath grown to rule, yet of ancient time served many ages; first under Carthage, then under Rome, after under Saracens, Goths, and others, should of late years take unto themselves that spirit as to dream of a monarchy in the west, according to that device, "Video solem orientem in occidente," only because they have ravished from some wild and unarmed people mines and store of gold; and on the other side, that this island of Britain, seated and manned as it is, and that hath, I make no question, the best iron in the world, that is, the best soldiers in the world, shall think of nothing but reckonings and audits, and meum et tuum, and I cannot tell what.

Mr. Speaker, I have, I take it, gone through the parts which I propounded to myself, wherein if any man shall think that I have sung a placebo, for mine own particular, I would have him know that I am not so unseen in the world, but that I discern it were much alike for my private fortune to rest a tacebo, as to sing a placebo in this business: but I have spoken out of the fountain of my heart, "Credidi propter quod locutus sum:" I believed, therefore I spake. So as my duty is performed: the judgment is yours; God direct it for the best.

A SPEECH

USED BY

SIR FRANCIS BACON, KNIGHT,

IN THE LOWER HOUSE OF PARLIAMENT,

BY OCCASION OF A MOTION CONCERNING THE UNION OF LAWS.

And it please you Mr. Speaker, were it now a time to wish, as it is to advise, no man should be more forward or more earnest than myself in this wish, that his Majesty's subjects of England and Scotland were governed by one law: and that for many reasons.

First, Because it will be an infallible assurance that there will never be any relapse in succeeding ages to a separation.

Secondly, "Dulcis tractus pari jugo." If the draught lie most upon us, and the yoke lie lightest on them, it is not equal.

Thirdly, The qualities, and as I may term it, the elements of their laws and ours are such, as do promise an excellent temperature in the compounded body: for if the prerogative here be too indefinite, it may be the liberty there is too unbounded; if our laws and proceedings be too prolix and formal, it may be theirs are too informal and summary.

Fourthly, I do discern to my understanding, there will be no great difficulty in this work; for their laws, by that I can learn, compared with ours, are like their language compared with ours: for as their language hath the same roots that ours hath, but hath a little more mixture of Latin and French; so their laws and customs have the like grounds that ours have, with a little more mixture of the civil law and French customs.

Lastly, The mean to this work seemeth to me no less excellent than the work itself: for if both laws shall be united, it is of necessity for preparation and inducement thereunto, that our own laws be reviewed and re-compiled; than the which I think there cannot be a work, that his Majesty can undertake in these his times of peace, more politic, more honourable, nor more beneficial to his subjects for all ages:

> Pace data terris, animum ad civilia vertit
> Jura suum, legesque tulit justissimus auctor.

For this continual heaping up of laws without digesting them, maketh but a chaos and confusion, and turneth the laws many times to become but snares for the people, as is said in the Scripture, "Pluet super eos laqueos." Now "Non sunt pejores laquei, quam laquei legum." And therefore this work I esteem to be indeed a work, rightly t term it, heroical. So that for this good wish t union of laws I do consent to the full: And I thin you may perceive by that which I have said, that come not in this to the opinion of others, but that was long ago settled in it myself; nevertheless, t this is moved out of zeal, so I take it to be move out of time, as commonly zealous motions are, whil men are so fast carried on to the end, as they giv no attention to the mean: for if it be time to talk t this now, it is either because the business now i hand cannot proceed without it, or because in tim and order this matter should be precedent, or b cause we shall lose some advantage towards th effect so much desired, if we should go on in th course we are about. But none of these three in m judgment are true; and therefore the motion, as said, unseasonable.

For first, That there may not be a naturalizati without a union in laws, cannot be maintaine Look into the example of the church and the uni thereof. You shall see several churches, that jo in one faith, one baptism, which are the points spiritual naturalization, do many times in polic constitutions, and customs differ: and therefore o of the fathers made an excellent observation up the two mysteries; the one, that in the gosp where the garment of Christ is said to have be without seam; the other, that in the psalm, whe the garment of the queen is said to have been divers colours; and concludeth, "In veste varie sit, scissura non sit." So in this case, Mr. Speak we are now in hand to make this monarchy of o piece, and not of one colour. Look again into t examples of foreign countries, and take that ne us of France, and there you shall find that th have this distribution, "pais du droit escrit," a "pais du droit coustumier." For Gascoigne, La guedoc, Provence, Dauphiny, are countries govern by the letter, or text of the civil law: but the u of France, Tourain, Berry, Anjou, and the rest, a most of all Britainy and Normandy are govern by customs, which amount to a municipal law. a use the civil law but only for grounds, and to dec new and rare cases; and yet nevertheless naturali tion passeth through all.

Secondly, That this union of laws should precede the naturalization, or that it should go on pari passu, hand in hand, I suppose likewise, can hardly be maintained: but the contrary, that naturalization ought to precede, and that not in the precedence of an instant; but in distance of time: of which my opinion, as I could yield many reasons, so because all this is but a digression, and therefore ought to be short, I will hold myself now only to one, which is briefly and plainly this; that the union of laws will ask a great time to be perfected, both for the compiling and for the passing of them. During all which time, if this mark of strangers should be denied to be taken away, I fear it may induce such a habit of strangeness, as will rather be an impediment than a preparation to farther proceeding: for he was a wise man that said, "Opportuni magnis conatibus transitus rerum," and in these cases, "non progredi, est regredi." And like as in a pair of tables, you must put out the former writing before you can put in new; and again, that which you write in, you write letter by letter; but that which you put out, you put out at once: so we have now to deal with the tables of men's hearts, wherein it is in vain to think you can enter the willing acceptance of our laws and customs, except you first put forth all notes, either of hostility or foreign condition: and these are to be put out simul et semel, at once without gradations; whereas the other points are to be imprinted and engraven distinctly and by degrees.

Thirdly, Whereas it is conceived by some, that the communication of our benefits and privileges is a good hold that we have over them to draw them to submit themselves to our laws, it is an argument of some probability, but yet to be answered many ways. For first, the intent is mistaken, which is not, as I conceive it, to draw them wholly to a subjection to our laws, but to draw both nations to one uniformity of law. Again, to think that there should be a kind of articulate and indented contract, that they should receive our laws to obtain our privileges, it is a matter in reason of estate not to be expected, being that which scarcely a private man will acknowledge, if it come to that whereof Seneca speaketh, "Beneficium accipere est libertatem vendere." No, but courses of estate do describe and delineate another way, which is, to win them either by benefit or by custom: for we see in all creatures that men do feed them first, and reclaim them after. And so in the first institution of kingdoms, kings did first win people by many benefits and protections, before they pressed any yoke. And for custom, which the poet calls imponere morem; who doubts but that the seat of the kingdom, and the example of the king resting here with us, our manners will quickly be there, to make all things ready for our laws? And lastly, the naturalization, which is now propounded, is qualified with such restrictions as there will be enough kept back to be used at all times for an adamant of drawing them farther on to our desires. And therefore to conclude, I hold this motion of union of laws very worthy, and arising from very good minds; but yet not proper for this time.

To come therefore to that, which is now in question, it is no more but whether there should be a difference made, in this privilege of naturalization, between the ante-nati and the post-nati, not in point of law, for that will otherwise be decided, but only in point of convenience; as if a law were now to be made de novo. In which question I will at this time only answer two objections, and use two arguments, and so leave it to your judgment.

The first objection hath been, that if a difference should be, it ought to be in favour of the ante-nati, because they are persons of merit, service, and proof; whereas the post-nati are infants, that, as the Scripture saith, know not the right hand from the left.

This were good reason, Mr. Speaker, if the question were of naturalizing some particular persons by a private bill; but it hath no proportion with the general case; for now we are not to look to respects that are proper to some, but to those which are common to all. Now then how can it be imagined, but that those, which took their first breath since this happy union, inherent in his Majesty's person, must be more assured and affectionate to this kingdom, than those generally can be presumed to be, which were sometimes strangers? for "Nemo subito fingitur:" the conversions of minds are not so swift as the conversions of times. Nay in effects of grace, which exceed far the effects of nature, we see St. Paul makes a difference between those he calls Neophytes, that is, newly grafted into christianity, and those that are brought up in the faith. And so we see by the laws of the church that the children of christians shall be baptized in regard of the faith of their parents: but the child of an ethnic may not receive baptism till he be able to make an understanding profession of his faith.

Another objection hath been made, that we ought to be more provident and reserved to restrain the post-nati than the ante-nati; because during his Majesty's time, being a prince of so approved wisdom and judgment, we need no better caution than the confidence we may repose in him; but in the future reigns of succeeding ages, our caution must be in re and not in persona.

But, Mr. Speaker, to this I answer, that as we cannot expect a prince hereafter less like to err in respect of his judgment; so again, we cannot expect a prince so like to exceed, if I may so term it, in this point of beneficence to that nation, in respect of the occasion. For whereas all princes and all men are won either by merit or conversation, there is no appearance, that any of his Majesty's descendants can have either of these causes of bounty towards that nation in so ample degree as his Majesty hath. And these be the two objections, which seem to me most material, why the post-nati should be left free, and not be concluded in the same restrictions with the ante-nati; whereunto you have heard the answers.

The two reasons, which I will use on the other side, are briefly these: the one being a reason of common sense; the other, a reason of estate.

We see, Mr. Speaker, the time of the nativity is in most cases principally regarded. In nature, the time of planting and setting is chiefly observed;

and we see the astrologers pretend to judge of the fortune of the party by the time of the nativity. In laws, we may not unfitly apply the case of legitimation to the case of naturalization; for it is true that the common canon law doth put the ante-natus and the post-natus in one degree. But when it was moved to the parliament of England, "Barones una voce responderunt, Nolumus leges Angliæ mutare." And though it must be confessed that the ante-nati and post-nati are in the same degree in dignities; yet were they never so in abilities: for no man doubts, but the son of an earl or baron, before his creation or call, shall inherit the dignity, as well as the son born after. But the son of an attainted person, born before the attainder, shall not inherit, as the after-born shall, notwithstanding charter of pardon.

The reason of estate is, that any restriction of the ante-nati is temporary, and expireth with the generation; but if you make it in the post-nati also, you do but in substance pen a perpetuity of separation.

Mr. Speaker, in this point I have been short, because I little expected this doubt, as to point of convenience; and therefore will not much labour, where I suppose there is no greater opposition.

CERTAIN CONSIDERATIONS

TOUCHING

THE PLANTATION IN IRELAND.

PRESENTED TO HIS MAJESTY, 1606.

TO THE KING.

It seemeth God hath reserved to your Majesty's times two works, which amongst the works of kings have the supreme pre-eminence; the union, and the plantation of kingdoms. For although it be a great fortune for a king to deliver or recover his kingdom from long continued calamities: yet in the judgment of those that have distinguished of the degrees of sovereign honour, to be a founder of estates or kingdoms, excelleth all the rest. For, as in arts and sciences, to be the first inventor is more than to illustrate or amplify; and as in the works of God, the creation is greater than the preservation; and as in the works of nature, the birth and nativity is more than the continuance: so in kingdoms, the first foundation or plantation is of more noble dignity and merit than all that followeth. Of which foundations there being but two kinds; the first, that maketh one of more; and the second, that maketh one of none: the latter resembling the creation of the world, which was de nihilo ad quid; and the former, the edification of the church, which was de multiplici ad simplex, vel ad unum: it hath pleased the Divine Providence, in singular favour to your Majesty, to put both these kinds of foundations or regenerations into your hand: the one, in the union of the island of Britain; the other, in the plantation of great and noble parts of the island of Ireland. Which enterprises being once happily accomplished, then that which was uttered by one of the best orators, in one of the worst verses, "O fortunatam natam me consule Romam!" may be far more truly and properly applied to your Majesty's acts; "natam te rege Britanniam; natam Hiberniam." For he spake improperly of deliverance and preservation; but in these acts of yours it may be verified more naturally. For indeed unions and plantations are the very nativities or birth-days of kingdoms: wherein likewise your Majesty hath yet a fortune extraordinary, and differing from former examples in the same kind. For most part of unions and plantations of kingdoms have been founded in the effusion of blood: but your Majesty shall build in solo puro, et in area pura, that shall need no sacrifices expiatory for blood; and therefore, no doubt, under a higher and more assured blessing. Wherefore, as I adventured, when I was less known and less particularly bound to your Majesty, than since by your undeserved favour I have been, to write somewhat touching the union, which your Majesty was pleased graciously to accept, and which since I have to my power seconded by my travails, not only in discourse, but in action: so I am thereby encouraged to do the like, touching this matter of plantation; hoping that your Majesty will, through the weakness of my ability, discern the strength of my affection, and the honest and fervent desire I have to see your Majesty's person, name, and times, blessed and exalted above those of your royal progenitors. And I was the rather invited this to do, by the remembrance, that when the lord chief justice deceased, Popham, served in the place wherein I now serve, and afterwards in the attorney's place;

be laboured greatly in the last project, touching the plantation of Munster: which nevertheless, as it seemeth, hath given more light by the errors thereof, what to avoid, than by the direction of the same, what to follow.

First, therefore, I will speak somewhat of the excellency of the work, and then of the means to compass and effect it.

For the excellency of the work, I will divide it into four noble and worthy consequences that will follow thereupon.

The first of the four, is honour; whereof I have spoken enough already, were it not that the harp of Ireland puts me in mind of that glorious emblem or allegory, wherein the wisdom of antiquity did figure and shadow out works of this nature. For the poets feigned that Orpheus, by the virtue and sweetness of his harp, did call and assemble the beasts and birds, of their nature wild and savage, to stand about him, as in a theatre; forgetting their affections of fierceness, of lust, and of prey; and listening to the tunes and harmonies of the harp; and soon after called likewise the stones and woods to remove, and stand in order about him: which fable was anciently interpreted of the reducing and plantation of kingdoms; when people of barbarous manners are brought to give over and discontinue their customs of revenge and blood, and of dissolute life, and of theft, and of rapine; and to give ear to the wisdom of laws and governments; whereupon immediately followeth the calling of stones for building and habitation; and of trees for the seats of houses, orchards, and enclosures, and the like. This work therefore, of all other most memorable and honourable, your Majesty hath now in hand; especially, if your Majesty join the harp of David, in casting out the evil spirit of superstition, with the harp of Orpheus, in casting out desolation and barbarism.

The second consequence of this enterprise, is the avoiding of an inconvenience, which commonly attendeth upon happy times, and is an evil effect of a good cause. The revolution of this present age seemeth to incline to peace, almost generally in these parts; and your Majesty's most christian and virtuous affections do promise the same more especially to these your kingdoms. An effect of peace in fruitful kingdoms, where the stock of people, receiving no consumption nor diminution by war, doth continually multiply and increase, must in the end be a surcharge or overflow of people more than the territories can well maintain; which many times, insinuating a general necessity and want of means into all estates, doth turn external peace into internal troubles and seditions. Now what an excellent diversion of this inconvenience is ministered, by God's providence, to your Majesty, in this plantation of Ireland! wherein so many families may receive sustentation and fortunes; and the discharge of them also out of England and Scotland may prevent many seeds of future perturbations; so that it is, as if a man were troubled for the avoidance of water from the place where he hath built his house, and afterwards should advise with himself to cast those waters, and to turn them into fair pools or streams, for pleasure, provision, or use. So shall your Majesty in this work have a double commodity, in the avoidance of people here, and in making use of them there.

The third consequence is the great safety that is like to grow to your Majesty's estate in general by this act; in discomfiting all hostile attempts of foreigners, which the weakness of that kingdom hath heretofore invited: wherein I shall not need to fetch reasons afar off, either for the general or particular. For the general, because nothing is more evident than that, which one of the Romans said of Peloponnesus: "Testudo intra tegumen tuta est;" the tortoise is safe within her shell: but if she put forth any part of her body, then it endangereth not only the part which is so put forth, but all the rest. And so we see in armour, if any part be left naked, it puts in hazard the whole person. And in the natural body of man, if there be any weak or affected part, it is enough to draw rheums or malign humours unto it, to the interruption of the health of the whole body.

And for the particular, the example is too fresh, that the indisposition of that kingdom hath been a continual attractive of troubles and infestations upon this estate; and though your Majesty's greatness doth in some sort discharge this fear, yet with your increase of power it cannot be, but envy is likewise increased.

The fourth and last consequence is the great profit and strength which is like to redound to your crown, by the working upon this unpolished part thereof: whereof your Majesty, being in the strength of your years, are like, by the good pleasure of Almighty God, to receive more than the first-fruits; and your posterity a growing and springing vein of riches and power. For this island being another Britain, as Britain was said to be another world, is endowed with so many dowries of nature, considering the fruitfulness of the soil, the ports, the rivers, the fishings, the quarries, the woods, and other materials; and especially the race and generation of men, valiant, hard, and active, as it is not easy, no not upon the continent, to find such confluence of commodities, if the hand of man did join with the hand of nature. So then for the excellency of the work, in point of honour, policy, safety, and utility, here I cease.

For the means to effect this work, I know your Majesty shall not want the information of persons expert and industrious, which have served you there, and know the region: nor the advice of a grave and prudent council of estate here; which know the pulses of the hearts of people, and the ways and passages of conducting great actions: besides that which is above all, which is that fountain of wisdom and universality which is in yourself; yet notwithstanding in a thing of so public a nature, it is not amiss for your Majesty to hear variety of opinion: for, as Demosthenes saith well, the good fortune of a prince or state doth sometimes put a good motion into a fool's mouth. I do think therefore the means of accomplishing this work consisteth of two prin-

cipal parts. The first, the invitation and encouragement of undertakers; the second, the order and policy of the project itself. For as in all engines of the hand there is somewhat that giveth the motion and force, and the rest serveth to guide and govern the same: so it is in these enterprises or engines of estate. As for the former of these, there is no doubt, but next unto the providence and finger of God, which writeth these virtuous and excellent desires in the tables of your Majesty's heart; your authority and affection is primus motor in this cause; and therefore the more strongly and fully your Majesty shall declare yourself in it, the more shall you quicken and animate the whole proceeding. For this is an action, which as the worthiness of it doth bear it, so the nature of it requireth it to be carried in some height of reputation, and fit in mine opinion for pulpits and parliaments, and all places to ring and resound of it. For that which may seem vanity in some things, I mean matter of fame, is of great efficacy in this case.

But now let me descend to the inferior spheres, and speak what co-operation in the subjects or undertakers may be raised and kindled, and by what means. Therefore to take plain grounds, which are the surest; all men are drawn into actions by three things, pleasure, honour, and profit. But before I pursue these three motives, it is fit in this place to interlace a word or two of the quality of the undertakers: wherein my opinion simply is, that if your Majesty shall make these portions of land, which are to be planted, as rewards or as suits, or as fortunes for those that are in want, and are likeliest to seek after them; that they will not be able to go through with the charge of good and substantial plantations, but will deficere in opere medio; and then this work will succeed, as Tacitus saith, "acribus initiis, fine incurioso." So that this must rather be an adventure for such as are full, than a setting up of those that are low of means: for those men indeed are fit to perform these undertakings, which were fit to purchase dry reversions after lives or years, or such as were fit to put out money upon long returns.

I do not say, but that I think the undertakers themselves will be glad to have some captains, or men of service, intermixed among them for their safety; but I speak of the generality of undertakers, which I wish were men of estate and plenty.

Now therefore it followeth well to speak of the aforesaid three motives. For it will appear the more, how necessary it is to allure by all means undertakers: since those men will be least fit, which are like to be most in appetite of themselves; and those most fit, which are like least to desire it.

First, therefore, for pleasure: in this region or tract of soil, there are no warm winters, nor orange-trees, nor strange beasts, or birds, or other points of curiosity or pleasure, as there are in the Indies and the like: so as there can be found no foundation made upon matter of pleasure, otherwise than that the very general desire of novelty and experiment in some stirring natures may work somewhat; and therefore it is the other two points, of honour and profit, whereupon we are wholly to rest.

For honour or countenance, if I shall mention to your Majesty, whether in wisdom you shall think convenient, the better to express your affection to the enterprise, and for a pledge thereof, to add the earldom of Ulster to the prince's titles, I shall but learn it out of the practice of king Edward I. who first used the like course, as a mean the better to restrain the country of Wales: and I take it, the prince of Spain hath the addition of a province in the kingdom of Naples: and other precedents I think there are: and it is like to put more life and encouragement into the undertakers.

Also, considering the large territories which are to be planted, it is not unlike your Majesty will think of raising some nobility there; which, if it be done merely upon new titles of dignity, having no manner of reference to the old; and if it be done also without putting too many portions into one hand: and lastly, if it be done without any great franchises or commands, I do not see any peril can ensue thereof. As on the other side, it is like it may draw some persons of great estate and means into the action, to the great furtherance and supply of the charges thereof.

And lastly, for knighthood, to such persons as have not attained it; or otherwise knighthood, with some new difference and precedence, it may, no doubt, work with many. And if any man think, that these things which I propound, are aliquid nimis for the proportion of this action, I confess plainly, that if your Majesty will have it really and effectually performed, my opinion is, you cannot bestow too much sunshine upon it. For "luna radiis non maturescit botrus." Thus much for honour.

For profit, it will consist in three parts:

First, The easy rates that your Majesty shall be pleased to give the undertakers of the land they shall receive.

Secondly, The liberties which you may be pleased to confer upon them. When I speak of liberties, I mean not liberties of jurisdiction; as counties palatine, or the like, which it seemeth hath been the error of the ancient donations and plantations in that country, but I mean only liberties tending to commodity; as liberty to transport any of the commodities growing upon the countries new planted; liberty to import from hence all things appertaining to their necessary use, custom-free; liberty to take timber or other materials in your Majesty's woods there, and the like.

The third is, ease of charge; that the whole mass of charge doth not rest upon the private purse of the undertakers.

For the two former of these I will pass them over: because in that project, which with good diligence and providence hath been presented to your Majesty by your ministers of that kingdom, they are in my opinion well handled.

For the third, I will never despair, but that the parliament of England, if it may perceive, that this action is not a flash, but a solid and settled purpose, will give aid to a work so religious, so politic, and so profitable. And the distribution of charge, if it

be observed, falleth naturally into three kinds of charge, and every of those charges respectively ought to have his proper fountain and issue. For as there proceedeth from your Majesty's royal bounty and munificence, the gift of the land, and the other materials; together with the endowment of liberties; and as the charge which is private, as building of houses, stocking of grounds, victual, and the like, is to rest upon the particular undertakers: so whatsoever is public, as building of churches, walling of towns, town houses, bridges, causeways, or highways, and the like, ought not so properly to lie upon particular persons, but to come from the public estate of this kingdom; to which this work is like to return so great an addition of glory, strength, and commodity.

For the project itself, I shall need to speak the less, in regard it is so considerately digested already for the county of Tyrone: and therefore my labour shall be but in those things wherein I shall either add to, or dissent from that which is set down; which will include five points or articles.

First, they mention a commission for this plantation: which of all things is most necessary, both to direct and appease controversies, and the like.

To this I add two propositions: the one, that which perhaps is meant, though not expressed, that the commissioners should for certain times reside and abide in some habitable town of Ireland, near in distance to the country where the plantation shall be; to the end, both that they may be more at hand, for the execution of the parts of their commission; and withal it is like, by drawing a concourse of people and tradesmen to such towns, it will be some help and commodity to the undertakers for things they shall stand in need of: and likewise it will be a more safe place of receit and store, wherein to unlade and deposit such provisions as are after to be employed.

The second is, that your Majesty would make a correspondency between the commission there, and a council of plantation here: wherein I warrant myself by the precedent of the like council of plantation for Virginia; an enterprise in my opinion differing as much from this, as Amadis de Gaul differs from Cæsar's Commentaries. But when I speak of a council of plantation, I mean some persons chosen by way of reference, upon whom the labour may rest, to prepare and report things to the council of estate here, that concern that business. For although your Majesty have a grave and sufficient council in Ireland; from whom, and upon whom, the commissioners are to have assistance and dependence; yet that supplies not the purpose whereof I speak. For, considering, that upon the advertisements, as well of the commissioners, as of the council of Ireland itself, there will be many occasions to crave directions from your Majesty and your privy council here, which are busied with a world of affairs; it cannot but give greater expedition, and some better perfection unto such directions and resolutions, if the matters may be considered of aforehand, by such as may have a continual care of the cause. And it will be likewise a comfort and satisfaction to some principal undertakers, if they may be admitted of that council.

Secondly, There is a clause wherein the undertakers are restrained, that they shall execute the plantation in person; from which I must dissent, if I will consent with the grounds I have already taken. For it is not probable that men of great means and plentiful estate will endure the travel, diseasements, and adventures of going thither in person: but rather, I suppose, many will undertake portions as an advancement for their younger children or kinsfolks; or for the sweetness of the expectation of a great bargain in the end, when it is overcome. And therefore, it is like they will employ sons, kinsfolks, servants, or tenants, and yet be glad to have the estate in themselves. And it may be, some again will join their purses together, and make as it were a partnership or joint adventure; and yet man forth some one person by consent, for the executing of the plantation.

Thirdly, There is a main point, wherein I fear the project hath made too much of the line and compass, and will not be so natural and easy to execute, nor yet so politic and convenient: and that is, that the buildings should be sparsim upon every portion; and the castle or principal house should draw the tenements and farms about it as it were into villages, hamlets, or endships; and that there should be only four corporate towns for the artificers and tradesmen.

My opinion is, that the buildings be altogether in towns, to be compounded as well of husbandries as of arts. My reasons are,

First, when men come into a country vast, and void of all things necessary for the use of man's life, if they set up together in a place, one of them will the better supply the wants of the other: workfolks of all sorts will be the more continually on work without loss of time; when, if work fail in one place, they may have it fast by; the ways will be made more passable for carriages to these seats or towns, than they can be to a number of dispersed solitary places; and infinite other helps and easements, scarcely to be comprehended in cogitation, will ensue in vicinity and society of people; whereas if they build scattered, as is projected, every man must have a cornucopia in himself for all things he must use; which cannot but breed much difficulty, and no less waste.

Secondly, it will draw out of the inhabited country of Ireland provisions and victuals, and many necessaries; because they shall be sure of utterance: whereas in the dispersed habitations, every man must reckon only upon that that he brings with him, as they do in provisions of ships.

Thirdly, the charge of bawnes, as they call them, to be made about every castle or house, may be spared, when the inhabitants shall be congregated only into towns.

And lastly, it will be a means to secure the country against future perils, in case of any revolt and defection: for by a slight fortification of no great charge, the danger of any attempts of kierns and sword-men may be prevented; the omission of which

point, in the last plantation of Munster, made the work of years to be but the spoil of days. And if any man think it will draw people too far off from the grounds they are to labour, it is to be understood, that the number of the towns be increased accordingly; and likewise, the situation of them be as in the centre, in respect of the portions assigned to them: for in the champaign countries of England, where the habitation useth to be in towns, and not dispersed, it is no new thing to go two miles off to plough part of their grounds; and two miles compass will take up a good deal of country.

The fourth point, is a point wherein I shall differ from the project rather in quantity and proportion, than in matter. There is allowed to the undertaker, within the five years of restraint, to alien a third part in fee farm, and to demise another third for forty years: which I fear will mangle the portions, and will be but a shift to make money of two parts; whereas, I am of opinion, the more the first undertaker is forced to keep in his own hands, the more the work is like to prosper. For first, the person liable to the state here to perform the plantation, is the immediate undertaker. Secondly, the more his profit dependeth upon the annual and springing commodity, the more sweetness he will find in putting forward manurance and husbanding of the grounds, and therefore is like to take more care of it. Thirdly, since the natives are excluded, I do not see that any persons are like to be drawn over of that condition, as are like to give fines, and u dertake the charge of building. For I am persuade that the people transported will consist of gentlem and their servants, and of labourers and hinds, a not of yeomen of any wealth. And therefore t charge of buildings, as well of the tenements a farms, as of the capital houses themselves, is like rest upon the principal undertakers. Which will recompensed in the end to the full and with mu advantage, if they make no long estates or lea And therefore this article to receive some qualificati

Fifthly, I should think it requisite that men experience in that kingdom should enter into so particular consideration of the charges and p visions of all kinds, that will be incident to t plantation; to the end, that thereupon some adv may be taken for the furnishing and accommodati them most conveniently, aiding private industry a charge with public care and order.

Thus I have expressed to your Majesty th simple and weak cogitations, which I have had myself touching this cause, wherein I most humb desire your pardon, and gracious acceptance of m good affection and intention. For I hold it for rule, that there belongeth to great monarchs, fo faithful servants, not only the tribute of duty, b the oblations of cheerfulness of heart. And a pray the Almighty to bless this great action, wi your Majesty's care; and your care with hap success.

A REPORT

MADE

BY SIR FRANCIS BACON, KNIGHT,

IN THE HOUSE OF COMMONS,

OF A SPEECH DELIVERED BY THE EARL OF SALISBURY; AND ANOTHER SPEECH DELIVERED BY THE EARL OF NORTHAMPTON, AT A CONFERENCE CONCERNING

THE PETITION OF THE MERCHANTS UPON THE SPANISH GRIEVANCES.

PARLIAMENT 5 JACOBI.

And it please you, Mr. Speaker, I do not find myself any ways bound to report that which passed at the last conference touching the Spanish grievances, having been neither employed to speak, nor appointed to report in that cause. But because it is put upon me by a silent expectation, grounded upon nothing, that I know, more than that I was observed diligently to take notes; I am content, if that provision which I made for mine own remembrance may serve this house for a report, not to deny you that sheaf that I have in haste bound up. It is true, that one of his Majesty's principal counsellors in causes of estate did use a speech that contained world of matter; but how I shall be able to make globe of that world, therein I fear mine own strength

His lordship took the occasion of this, which shall now report, upon the answer which was by made to the amendments propounded upon the of hostile laws; quitting that business with th few words; that he would discharge our expecta tion of reply, because their lordships had no w rant to dispute. Then continuing his speech, he fe into this other cause, and said; that being now make answer to a proposition of ours, as we h

ime to one of theirs, he wished it could be passed ver with like brevity. But he did foresee his way, hat it would prove not only long, but likewise hard o find, and hard to keep; this cause being so to be arried, as above all no wrong be done to the king's overeignty and authority: and in the second place, n misunderstanding do ensue between the two houses. And therefore that he hoped his words hould receive a benign interpretation; knowing well hat pursuit and drift of speech, and multitude of matter, might breed words to pass from him beyond he compass of his intention: and therefore he hared more assurance and caution in the innocency f his own meaning, and in the experience of our hours, than in any his wariness or watchfulness ver his own speech.

This respective preface used, his lordship descended to the matter itself; which he divided into hree considerations: for he said he would consider f the petition,

First, As it proceeded from the merchants.

Secondly, As from them it was offered to the ower house.

And thirdly, As from the lower house it was recommended to the higher house.

In the first of these considerations there fell out naturally a subdivision into the persons of the petitioners, and the matter and parts of the petition. In he persons of the merchants his lordship made, as I have collected them, in number, eight observations, whereof the three first respected the general condition of merchants; and the five following were applied to the particular circumstances of the merchants now complaining.

His lordship's first general observation was, that merchants were of two sorts; the one sought their fortunes, as the verse saith, "per saxa, per ignes;" and, as it is said in the same place, "extremos curit mercator ad Indos;" subjecting themselves to weather and tempest; to absence, and, as it were, exile, out of their native countries; to arrest in hatrances of war; to foreign injustice and rigour in times of peace: and many other sufferances and adventures. But that there were others that took a more safe, but a less generous course in raising their fortunes. He taxed none, but did attribute much more respect to the former.

The second general observation which his lordship made was, that the complaints of merchants were usually subject to much error, in regard that they spake, for the most part, but upon information; and that carried through many hands; and of matters done in remote parts; so as a false or factious factor might oftentimes make great tragedies upon no great ground. Whereof, towards the end of his speech he brought an instance of one trading into the Levant, that complained of an arrest of his ship, and possessed the council-table with the same complaint in a vehement and bitter fashion; desiring and pressing some present and expostulary letters touching the same. Whereupon some counsellors, well acquainted with the like heats, and forwardness in complaints, happened to say to him out of conjecture, and not out of any intelligence, "What will you say if your ship, which you complain to be under arrest, be now under sail in way homewards?" Which fell out accordingly: the same person confessing, six days after, to the lords, that she was indeed in her way homewards.

The third general observation which his lordship made was this, in effect; that although he granted that the wealth and welfare of the merchant was not without a sympathy with the general stock and state of a nation, especially an island; yet nevertheless, it was a thing too familiar with the merchant, to make the case of his particular profit, the public case of the kingdom.

There follow the particular observations, which have a reference and application to the merchants that trade to Spain and the Levant: wherein his lordship did first honourably and tenderly acknowledge, that their grievances were great, that they did multiply, and that they do deserve compassion and help; but yet nevertheless, that he must use that loving plainness to them as to tell them, that in many things they were authors of their own miseries. For since the dissolving of the company, which was termed the monopoly, and was set free by the special instance of this house, there hath followed such a confusion and relaxation in order and government amongst them, as they do not only incur many inconveniences, and commit many errors; but in the pursuits of their own remedies and suits they do it so impoliticly, and after such a fashion, as, except lieger ambassadors, which are the eyes of kings in foreign parts, should leave their centinel, and become merchants' factors, and solicitors, their causes can hardly prosper. And, which is more, such is now the confusion in the trade, as shop-keepers and handy-craftsmen become merchants there; who, being bound to no orders, seek base means, by gifts and bribery, to procure favours at the hands of officers there. So as the honest merchant, that trades like a substantial merchant, and loves not to take servile courses to buy the right due to him by the amity of the princes, can have no justice without treading in their steps.

Secondly, His lordship did observe some improbability that the wrongs should be so great, considering trading into those parts was never greater; whereas if the wrongs and griefs were so intolerable and continual, as they propound them and voiced them, it would work rather a general discouragement and coldness of trade in fact, than an earnest and hot complaint in words.

Thirdly, His lordship did observe, that it is a course, howsoever it may be with a good intent, yet, of no small presumption, for merchants upon their particular grievances to urge things tending to a direct war, considering that nothing is more usual in treaties, than that such particular damages and molestations of subjects are left to a form of justice to be righted: and that the more high articles do retain nevertheless their vigour inviolably; and that the great bargain of the kingdom for war and peace may in no wise depend upon such petty forfeitures, no more than in common assurance between man and man it were fit that, upon every breach of covenants, there should be limited a re-entry.

Fourthly, His lordship did observe, in the manner of preferring their petition, they had inverted due order, addressing themselves to the foot, and not to the head. For, considering that they prayed no new law for their relief, and that it concerned matter of inducement to war or peace, they ought to have begun with his Majesty; unto whose royal judgment, power, and office, did properly belong the discerning of that which was desired, the putting in act of that which might be granted, and the thanks for that which might be obtained.

Fifthly, His lordship did observe, that as they had not preferred their petition as it should be, so they had not pursued their own direction as it was. For having directed their petition to the king, the lords spiritual and temporal, and the commons in parliament assembled, it imported, as if they had offered the like petition to the lords; which they never did: contrary not only to their own direction but likewise to our conceit, who pre-supposed, as it should seem by some speech that passed from us at a former conference, that they had offered several petitions of like tenor to both houses. So have you now those eight observations, part general, part special, which his lordship made touching the persons of those which exhibited the petition, and the circumstances of the same.

For the matter of the petition itself, his lordship made this division, that it consisteth of three parts.

First, Of the complaints of wrongs in fact.

Secondly, Of the complaints of wrongs in law, as they may be truly termed, that is, of the inequality of laws which do regulate the trade.

And thirdly, The remedy desired by letters of mart.

The wrongs in fact receive a local distribution of three. In the trade to Spain, in the trade to the West-Indies, and in the trade to the Levant.

Concerning the trade to Spain; although his lordship did use much signification of compassion of the injuries which the merchants received; and attributed so much to their profession and estate, as from such a mouth in such a presence they ought to receive for a great deal of honour and comfort, which kind of demonstration he did interlace throughout his whole speech, as proceeding ex abundantia cordis, yet nevertheless he did remember four excusations, or rather extenuations of those wrongs.

The first was, that the injustices complained of were not in the highest degree, because they were delays and hard proceedings, and not inique sentences, or definitive condemnations: wherein I called to mind what I heard a great bishop say, that courts of justice, though they did not turn justice into wormwood by corruption, yet they turned it into vinegar by delays, which soured it. Such a difference did his lordship make, which, no question, is a difference secundum majus et minus.

Secondly, His lordship ascribed these delays, not so much to malice or alienation of mind towards us, as to the nature of the people and nation, which is proud, and therefore dilatory; for all proud men are full of delays, and must be waited on: and especially to the multitudes and diversity of tribunals and places of justice, and the number of the king's council full of referrings, which ever prove of necessity to be deferrings; besides the great distance of territories: all which have made the delays of Spain to come into a by-word through the world. Whereof I think his lordship might allude to the proverb of Italy, "Mi venga la morte di Spagna," Let my death come from Spain, for then it is sure to be long coming.

Thirdly, His lordship did use an extenuation of these wrongs, drawn from the nature of man, nemo subito fingitur. For that we must make an account that though the fire of enmity be out between Spain and us, yet it vapoureth: the utter extincting whereof must be the work of time.

But lastly, His lordship did fall upon that extenuation, which of all the rest was more forcible, which was, that many of these wrongs were not sustained without some aspersion of the merchants own fault in ministering the occasion, which grew chiefly in this manner.

There is contained an article in the treaty between Spain and us, that we shall not transport any native commodities of the Low Countries into Spain; nay more, that we shall not transport any opificia, manufactures of the same countries: so that if an English cloth take but a dye in the Low Countries, it may not be transported by the English. And the reason is, because even those manufactures, although the materials come from other places, do yield unto them a profit and sustentation, in regard their people are set on work by them; they have a gain likewise in the price; and they have a custom in the transporting. All which the policy of Spain is to debar them of; being no less desirous to suffocate the trade of the Low Countries, than to reduce their obedience. This article the English merchant either doth not or will not understand: but being drawn with his threefold cord of love, hate, and gain, they do venture to transport the Low Country commodities of these natures, and so draw upon themselves these arrests and troubles.

For the trade to the Indies, his lordship did discover unto us the state of it to be thus: the policy of Spain doth keep that treasury of theirs under such lock and key, as both confederates, yea, and subjects, are excluded of trade into those countries; insomuch as the French king, who hath reason to stand upon equal terms with Spain, yet nevertheless is by express capitulation debarred. The subjects of Portugal, whom the state of Spain hath studied by all means to content, are likewise debarred: such a vigilant dragon is there that keepeth that golden fleece: yet nevertheless, such was his Majesty's magnanimity in the debate and conclusion of the last treaty, as he would never condescend to any article, importing the exclusion of his subjects from that trade: as a prince that would not acknowledge that any such right could grow to the crown of Spain by the donative of the pope, whose authority he disclaimeth; or by the title of a dispersed and punctual occupation of certain territories in the name of the rest; but stood firm to reserve the

point in full question to farther times and occasions; so as it is left by the treaty in suspense, neither debarred nor permitted: the tenderness and point of honour whereof was such, as they that went thither must run their own peril. Nay, farther, his lordship affirmed, that if yet at this time his Majesty would descend to a course of entreaty for the release of the arrest in those parts, and so confess an exclusion, and quit the point of honour, his Majesty might have them forthwith released. And yet his lordship added, that the offences and scandals of some had made this point worse than it was, in regard that this very last voyage to Virginia, intended for trade and plantation, where the Spaniard hath no people nor possession, is already become infamed for piracy. Witness Bingley, who first insinuating his purpose to be an actor in that worthy action of enlarging trade and plantation, is become a pirate, and hath been so pursued, as his ship is taken in Ireland, though his person is not yet in hold.

For the trade to the Levant, his lordship opened unto us that the complaint consisted in effect but of two particulars: the one, touching the arrest of a ship called the Trial, in Sicily; the other, of a ship called the Vineyard, in Sardinia. The first of which arrests was upon pretence of piracy; the second, upon pretence of carrying ordnance and powder to the Turk. That process concerning the Trial had been at the merchants' instance drawn to a review in Spain, which is a favour of exceeding rare precedent, being directly against the liberties and privileges of Sicily. That of the Vineyard, notwithstanding it be of that nature, as, if it should be true, tendeth to the great dishonour of our nation, whereof hold hath been already taken by the French ambassador residing at Constantinople, who entered into a scandalous expostulation with his Majesty's ambassador there, upon that and the like transportations of munition to the Turk, yet nevertheless there is an answer given, by letters from the king's ambassador lieger in Spain, that there shall be some course taken to give reasonable contentment in that cause, as far as may be: in both which ships, to speak truly, the greatest mass of loss may be included; for the rest are mean, in respect of the value of those two vessels. And thus much his lordship's speech comprehended concerning the wrongs in fact.

Concerning the wrongs in law; that is to say, the rigour of the Spanish laws extended upon his Majesty's subjects that traffic thither, his lordship gave this answer. That they were no new statutes or edicts devised for our people, or our times; but were the ancient laws of that kingdom: Suus cuique mos. And therefore, as travellers must endure the extremities of the climate, and temper of the air where they travel; so merchants must bear with the extremities of the laws, and temper of the estate where they trade. Whereunto his lordship added, That our own laws here in England were not exempted from the like complaints in foreign parts; especially in point of marine causes and depredations, and that same swift alteration of property, which is claimed by the admiralty in case of goods taken in pirates' hands. But yet that we were to understand thus much of the king of Spain's care and regard of our nation; that he had written his letters to all corregidors, officers of ports, and other his ministers, declaring his will and pleasure to have his Majesty's subjects used with all freedom and favour; and with this addition, that they should have more favour, when it might be showed, than any other. Which words, howsoever the effects prove, are not suddenly to be requited with peremptory resolutions, till time declare the direct issue.

For the third part of the matter of the petition, which was the remedy sought by letters of mart, his lordship seemed desirous to make us capable of the inconvenience of that which was desired, by setting before us two notable exceptions thereunto: the one, that the remedy was utterly incompetent and vain; the other, that it was dangerous and pernicious to our merchants, and in consequence to the whole state.

For the weakness of the remedy, his lordship wished us to enter into consideration what the remedy was, which the statute of Henry the fifth, which was now sought to be put in execution, gave in this case: which was thus: That the party grieved should first complain to the keeper of the privy seal, and from him should take letters unto the party that had committed the spoil, for restitution; and in default of restitution to be made upon such letters served, then to obtain of the chancellor letters of mart or reprisal: which circuit of remedy promised nothing but endless and fruitless delay, in regard that the first degree prescribed was never likely to be effected; it being so wild a chace, as to serve process upon the wrong doer in foreign parts. Wherefore his lordship said, that it must be the remedy of state, and not the remedy of statute, that must do good in this case; which useth to proceed by certificates, attestations, and other means of information; not depending upon a privy seal to be served upon the party, whom haply they must seek out in the West Indies.

For the danger of the remedy, his lordship directed our considerations to take notice of the proportions of the merchants' goods in either kingdom: as that the stock of goods of the Spaniard, which is within his Majesty's power and distress, is a trifle; whereas the stock of English goods in Spain is a mass of mighty value. So as if this course of letters of mart should be taken to satisfy a few hot pursuitors here, all the goods of the English subjects in Spain shall be exposed to seizure and arrest: and we have little or nothing in our hands on this side to mend ourselves upon. And thus much, Mr. Speaker, is that which I have collected out of that excellent speech, concerning the first main part, which was the consideration of the petition as it proceeded from the merchant.

There followeth now the second part, considering the petition as it was offered in this house. Wherein his lordship, after an affectionate commemoration of the gravity, capacity, and duty, which he generally found in the proceedings of this house, desired us nevertheless to consider with him, how it was possible that the entertaining petitions concerning pri-

vate injuries, and of this nature, could avoid these three inconveniences: the first, of injustice; the second, of derogation from his Majesty's supreme and absolute power of concluding war or peace; and the third, of some prejudice in reason of estate.

For injustice, it is plain, and cannot be denied, that we hear but the one part: whereas the rule, "Audi alteram partem," is not of the formality, but of the essence of justice: which is therefore figured with both eyes shut, and both ears open; because she should hear both sides, and respect neither. So that if we should hap to give a right judgment, it might be justum, but not juste, without hearing both parties.

For the point of derogation, his lordship said, he knew well we were no less ready to acknowledge than himself, that the crown of England was ever invested, amongst other prerogatives not disputable, of an absolute determination and power of concluding and making war and peace: which that it was no new dotation, but of an ancient foundation in the crown, he would recite unto us a number of precedents in the reigns of several kings, and chiefly of those kings which come nearest his Majesty's own worthiness; wherein he said, that he would not put his credit upon cyphers and dates; because it was easy to mistake the year of a reign, or number of a roll, but he would avouch them in substance to be perfect and true, as they are taken out of the records. By which precedents it will appear, that petitions made in parliament to kings of this realm, his Majesty's progenitors, intermeddling with matter of war or peace, or inducement thereunto, received small allowance or success, but were always put off with dilatory answers; sometimes referring the matter to their council, sometimes to their letters, sometimes to their farther pleasure and advice, and such other forms; expressing plainly, that the kings meant to reserve matter of that nature entirely to their own power and pleasure.

In the eighteenth year of king Edward I. complaint was made by the commons, against the subjects of the earl of Flanders, with petition of redress. The king's answer was, "Rex nihil aliud potest, quam eodem modo petere:" that is, That the king could do no more but make request to the earl of Flanders, as request had been made to him; and yet nobody will imagine but king Edward the first was potent enough to have had his reason of a count of Flanders by a war; and yet his answer was, "Nihil aliud potest;" as giving them to understand, that the entering into a war was a matter transcendent, that must not depend upon such controversies.

In the fourteenth year of king Edward III. the commons petitioned, that the king would enter into certain covenants and capitulations with the duke of Brabant; in which petition there was also inserted somewhat touching a money matter. The king's answer was, That for that which concerned the moneys, they might handle it and examine it; but touching the peace, he would do as to himself seemed good.

In the eighteenth year of king Edward III. the commons petitioned, that they might have the trial and proceeding with certain merchants strangers as enemies to the state. The king's answer was, It should remain as it did till the king had taken farther order.

In the forty-fifth year of king Edward III. the commons complained that their trade with the Easterlings was not upon equal terms, which is one of the points insisted upon in the present petition, and prayed an alteration and reducement. The king's answer was, It shall be so as occasion shall require.

In the fiftieth year of the same king, the commons petitioned to the king for remedy against the subjects of Spain, as they now do. The king's answer was, That he would write his letter for remedy. Here is letters of request, no letters of mart: "Nihil potest nisi eodem modo petere."

In the same year, the merchants of York petitioned in parliament against the Hollanders, and desired their ships might be stayed both in England and at Calais. The king's answer was, Let it be declared unto the king's council, and they shall have such remedy as is according to reason.

In the second year of king Richard II. the merchants of the sea-coast did complain of divers spoils upon their ships and goods by the Spaniard. The king's answer was, That with the advice of his council he would procure remedy.

His lordship cited two other precedents; the one, in the second year of king Henry IV. of a petition against the merchants of Genoa; the other, in the eleventh year of king Henry VI. of a petition against the merchants of the still-yard, which I omit, because they contain no variety of answer.

His lordship farther cited two precedents concerning other points of prerogative, which are likewise flowers of the crown; the one touching the king's supremacy ecclesiastical, the other touching the order of weights and measures. The former of them was in the time of king Richard II. at what time the commons complained against certain encroachments and usurpations of the pope; and the king's answer was, "The king hath given order to his council to treat with the bishops thereof." The other was in the eighteenth year of king Edward I. at which time complaint was made against uneven weights: and the king's answer was, "Vocentur partes ad placita regis, et fiat justitia;" whereby it appeared, that the kings of this realm still used to refer causes petitioned in parliament to the proper places of cognizance and decision. But for the matter of war and peace, as appears in all the former precedents, the kings ever kept it in scrinio pectoris, in the shrines of their own breast, assisted and advised by their council of estate.

Inasmuch as his lordship did conclude his enumeration of precedents with a notable precedent in the seventeenth year of king Richard II. a prince of no such glory nor strength; and yet when he made offer to the commons in parliament that they should take into their considerations matter of war and peace then in hand; the commons, in modesty, excused themselves, and answered, "The commons

will not presume to treat of so high a charge. Out of all which precedents his lordship made this inference, that as dies diem docet, so by these examples wise men will be admonished to forbear those petitions to princes, which are not likely to have either a welcome hearing or an effectual answer.

And for prejudice that might come of handling and debating matter of war and peace in parliament, he doubted not, but that the wisdom of this house did conceive upon what secret considerations and motives that point did depend. For that there is no king which will providently and maturely enter into a war, but will first balance his own forces; seek to anticipate confederacies and alliances, revoke his merchants, find an opportunity of the first breach, and many other points, which, if they once do but take wind, will prove vain and frustrate. And therefore that this matter, which is arcanum imperii, one of the highest mysteries of estate, must be suffered to be kept within the veil: his lordship adding, that he knew not well whether, in that which he had already said out of an extreme desire to give us satisfaction, he had not communicated more particulars than perhaps was requisite. Nevertheless, he confessed, that sometimes parliaments have been made acquainted with matter of war and peace in a generality; but it was upon one of these two motives; when the king and council conceived that either it was material to have some declaration of the zeal and affection of the people; or else when the king needed to demand moneys and aids for the charge of the wars; wherein if things did sort to ill, we were sure enough to hear of it: his lordship hoping that his Majesty would find in us no less readiness to support it than to persuade it.

Now, Mr. Speaker, for the last part; wherein his lordship considered the petition, as it was recommended from us to the upper house; his lordship delivered thus much from their lordships; that they would make a good construction of our desires, as those which they conceived did rather spring out of a feeling of the king's strength, and out of a feeling of the subjects' wrongs; nay more, out of a wisdom and depth, to declare our forwardness, if need were, against his Majesty's future resolutions, which declaration might be of good use for his Majesty's service, when it should be blown abroad; rather, I say, than that we did in any sort determine by this their overture, to do that wrong to his highness's supreme power, which haply might be inferred by those that were rather apt to make evil than good interpretations of our proceedings. And yet, that their lordships, for the reasons before made, must plainly tell us, that they neither could nor would concur with us, nor approve the course: and therefore concluded, that it would not be amiss for us, for our better contentment, to behold the conditions of the last peace with Spain, which were of a strange nature to him that duly observes them; no forces recalled out of the Low Countries; no new forces, as of voluntaries, restrained to go thither; so as the king may be in peace, and never a subject in England but may be in war: and then to think thus with ourselves, that that king, which would give no ground in making his peace, will not lose any ground, upon just provocation, to enter into an honourable war. And that in the mean time we should know thus much, that there could not be more forcible negociation on the king's part, but blows, to procure remedy of those wrongs; nor more fair promises on the king of Spain's part, to give contentment concerning the same; and therefore that the event must be expected.

And thus, Mr. Speaker, have I passed over the speech of this worthy lord, whose speeches, as I have often said, in regard of his place and judgment, are extraordinary lights to this house; and have both the properties of light, that is, conducting, and comforting. And although, Mr. Speaker, a man would have thought nothing had been left to be said, yet I shall now give you account of another speech full of excellent matter and ornaments, and without iteration: which, nevertheless, I shall report more compendiously, because I will not offer the speech that wrong, as to report it at large, when your minds percase and attentions are already wearied.

The other earl, who usually doth bear a principal part upon all important occasions, used a speech, first of preface, then of argument. In his preface he did deliver, that he was persuaded that both houses did differ rather in credulity and belief, than in intention and desire: for it might be their lordships did not believe the information so far, but yet desired the reformation as much.

His lordship said farther, that the merchant was a state and degree of persons, not only to be respected, but to be prayed for, and graced them with the best additions; that they were the convoys of our supplies, the vents of our abundance, Neptune's alms-men, and fortune's adventurers. His lordship proceeded and said, this question was new to us, but ancient to them; assuring us, that the king did not bear in vain the device of the thistle, with the word, "Nemo me lacessit impune:" and that as the multiplying of his kingdoms maketh him feel his own power; so the multiplying of our loves and affections made him to feel our griefs.

For the arguments or reasons, they were five in number, which his lordship used for satisfying us why their lordships might not concur with us in this petition. The first was the composition of our house, which he took in the first foundation thereof to be merely democratical, consisting of knights of shires and burgesses of towns, and intended to be of those that have their residence, vocation, and employment in the places for which they serve: and therefore to have a private and local wisdom, according to that compass, and so not fit to examine or determine secrets of estate, which depend upon such variety of circumstances; and therefore added to the precedent formerly vouched, of the seventeenth of king Richard II. when the commons disclaimed to intermeddle in matter of war and peace; that their answer was, that they would not presume to treat of so high and variable a matter. And although his lordship acknowledged that there be divers gentlemen, in the mixture of our house, that are of good capacity and insight in matters of estate;

yet that was the accident of the person, and not the intention of the place; and things were to be taken in the institution, not in the practice.

His lordship's second reason was, that both by philosophy and civil law, "ordinatio belli et pacis est absoluti imperii," a principal flower of the crown; which flowers ought to be so dear unto us, as we ought, if need were, to water them with our blood: for if those flowers should, by neglect, or upon facility and good affection, wither and fall, the garland would not be worth the wearing.

His lordship's third reason was, that kings did so love to imitate primum mobile, as that they do not like to move in borrowed motions: so that in those things that they do most willingly intend, yet they endure not to be prevented by request: whereof he did allege a notable example in king Edward III. who would not hearken to the petition of his commons, that besought him to make the black prince prince of Wales: but yet, after that repulse of their petition, out of his own mere motion he created him.

His lordship's fourth reason was, that it might be some scandal to step between the king and his o virtue; and that it was the duty of subjects rat to take honours from kings' servants and give th to kings, than to take honours from kings and g them to their servants: which he did very elegan set forth in the example of Joab, who, lying at t siege of Rabbah, and finding it could not hold a writ to David to come and take the honour of taki the town.

His lordship's last reason was, that it may c some aspersion upon his Majesty; implying, as the king slept out the sobs of his subjects, until was awaked with the thunderbolt of a parliamen

But his lordship's conclusion was very nob which was with a protestation, that what ci threats, contestation, art, and argument can do, ha been used already to procure remedy in this can and a promise, that if reason of state did permit, their lordships were ready to spend their breath the pleading of that we desire, so they would ready to spend their bloods in the execution there

This was the substance of that which passed.

A

CERTIFICATE TO HIS MAJESTY,

TOUCHING THE PROJECTS OF

SIR STEPHEN PROCTOR, RELATING TO THE PENAL LAWS.

It may please your sacred Majesty,

With the first free time from your Majesty's service of more present despatch, I have perused the projects of Sir Stephen Proctor, and do find it a collection of extreme diligence and inquisition, and more than I thought could have met in one man's knowledge. For though it be an easy matter to run over many offices and professions, and to note in them general abuses or deceits; yet, nevertheless, to point at and trace out the particular and covert practices, shifts, devices, tricks, and, as it were, stratagems in the meaner sort of the ministers of justice or public service, and to do it truly and understandingly, is a discovery whereof great good use may be made for your Majesty's service and good of your people. But because this work, I doubt not, hath been to the gentleman the work of years, whereas my certificate must be the work but of hours or days, and that it is commonly and truly said, that he that embraceth much, straineth and holdeth the less, and that propositions have wings, but operation and execution have leaden feet; I most humbly desire pardon of your Majesty, if I do for the present only select some one or two principal points, and certify my opinion thereof; reserv the rest as a sheaf by me to draw out, at farth time, farther matter for your Majesty's informati for so much as I shall conceive to be fit or worth the consideration.

For that part, therefore, of these projects whi concerneth penal laws, I do find the purpose a scope to be, not to press a greater rigour or sever in the execution of penal laws; but to repress th abuses in common informers, and some clerks a under-ministers, that for common gain partake wi them: for if it had tended to the other point, I f my part should be very far from advising yo Majesty to give ear unto it. For as it is said in th psalm, "If thou, Lord, should be extreme to mar what is done amiss, who may abide it?" so it most certain, that your people is so insnared in multitude of penal laws, that the execution of the cannot be borne. And as it followeth; "But wi thee is mercy, that thou mayest be feared:" so it an intermixture of mercy and justice that will bre you fear and obedience: for too much rigour make people desperate. And therefore to leave tai which was the only blemish of king Henry VII. reign, and the unfortunate service of Empson an

Dudley, whom the people's curses, rather than any law, brought to overthrow; the other work is a work not only of profit to your Majesty, but of piety towards your people. For if it be true in any proportion, that within these five years of your Majesty's happy reign, there hath not five hundred pounds' benefit come to your Majesty by penal laws, the fines of the Star-chamber, which are of a higher kind, only excepted, and yet, nevertheless, there hath been a charge of at least fifty thousand pounds, which hath been laid upon your people, it were more than time it received a remedy.

This remedy hath been sought by divers statutes, as principally by a statute in 18, and another of 31, of the late queen of happy memory. But I am of opinion that the appointing of an officer proper for that purpose, will do more good than twenty statutes, and will do that good effectually, which these statutes aim at intentionally.

And this I do allow of the better, because it is none of those new superintendencies, which I see many times offered upon pretence of reformation, as if judges did not their duty, or ancient and sworn officers did not their duty, and the like: but it is only to set a custos or watchman, neither over judges nor clerks, but only over a kind of people that cannot be sufficiently watched or overlooked, and that is, the common promoters or informers: the very awe and noise whereof will do much good, and the practice much more.

I will therefore set down first, what is the abuse or inconvenience, and then what is the remedy which may be expected from the industry of this officer. And I will divide it into two parts, the one, for that, that may concern the ease of your people, for with that will I crave leave to begin, as knowing it to be principal in your Majesty's intention, and the other for that, that may concern your Majesty's benefit.

Concerning the ease of his Majesty's subjects, polled and vexed by common informers.

The abuses or inconveniences.

1. An informer exhibits an information, and in that one information he will put a hundred several subjects of this information. Every one shall take out copies, and every one shall put in his several answer. This will cost perhaps a hundred marks: that done, no farther proceeding. But the clerks have their fees, and the informer hath his dividend for bringing the water to the mill.

It is to be noted, that this vexation is not met with by any statute. For it is no composition, but a discontinuance; and in that case there is no penalty but costs: and the poor subject will never sue for his costs, lest it awake the informer to revive his information, and so it escapeth clearly.

2. Informers receive pensions of divers persons to forbear them. And this is commonly of principal offenders, and of the wealthiest sort of tradesmen. For if one tradesman may presume to break the law, and another not, he will be soon richer than his fellows. As for example, if one draper may use tenters, because he is in fee with an informer, and others not, he will soon outstrip the good tradesman that keeps the law.

And if it be thought strange that any man should seek his peace by one informer, when he lieth open to all, the experience is otherwise: for one informer will bear with the friend of another, looking for the like measure.

And besides, they have devices to get priority of information, and to put in an information de bene esse, to prevent others, and to protect their pensioners.

And if it be said this is a pillory matter to the informer, and therefore he will not attempt it; although therein the statute is a little doubtful; yet if hanging will not keep thieves from stealing, it is not pillory will keep informers from polling.

And herein Sir Stephen addeth a notable circumstance: that they will peruse a trade, as of brewers or victuallers, and if any stand out, and will not be in fee, they will find means to have a dozen informations come upon him at once.

The remedies by the industry of the officer.

1. The officer by his diligence finding this case, is to inform the court thereof, who thereupon may grant good costs against the informer, to every of the subjects vexed: and withal not suffer the same informer to revive his information against any of them; and lastly, fine him, as for a misdemeanor and abuse of justice: and by that time a few of such examples be made, they will be soon weary of that practice.

2. This is an abuse that appeareth not by any proceeding in court, because it is before suit commenced, and therefore requireth a particular inquiry.

But when it shall be the care and cogitation of one man to overlook informers, these things are easily discovered: for let him but look who they be that the informer calls in question, and hearken who are of the same trade in the same place and are spared, and it will be easy to trace a bargain.

In this case, having discovered the abuse, he ought to inform the barons of the exchequer, and the king's learned counsel, that by the Star-chamber, or otherwise, such taxers of the king's subjects may be punished.

3. The subject is often for the same offence vexed by several informations: sometimes the one informer not knowing of the other; and often by confederacy, to weary the party with charge: upon every of which goeth process, and of every of them he must take copies, and make answers, and so relieve himself by motion of the court if he can; all which multiplieth charge and trouble.

3. The officer keeping a book of all the informations put in, with a brief note of the matter, may be made acquainted with all informations to come in: and if he find a precedent for the same cause, he may inform some of the barons, that by their order the receiving of the latter may be stayed without any charge to the party at all; so as it appear by the due prosecution of the former, that it is not a suit by collusion to protect the party.

Concerning the king's benefit which may grow by a moderate prosecution of some penal laws.

The abuses or inconveniences.

1. After an information is exhibited and answered, for so the statute requires, the informer for the most part groweth to composition with the defendant; which he cannot do without peril of the statute, except he have licence from the court, which licence he ought to return by order and course of the court, together with a declaration upon his oath of the true sum that he takes for the composition. Upon which licence so returned, the court is to tax a fine for the king.

This ought to be but as it is now used, the licence is seldom returned. And although it contain a clause that the licence shall be void, if it be not duly returned; yet the manner is to suggest that they are still in terms of composition, and so to obtain new days, and to linger it on till a parliament and a pardon come.

Also, when the licence is returned, and thereupon the judge or baron to sesse a fine; there is none for the king to inform them of the nature of the offence; of the value to grow to the king if the suit prevail; of the ability of the person, and the like. By reason whereof, the fine that is set is but a trifle, as 20, 30, or 40s. and it runs in a form likewise which I do not well like: for it is ut parcatur misis, which purporteth, as if the party did not any way submit himself, and take the composition as of grace of the court, but as if he did justify himself, and were content to give a trifle to avoid charge.

Which point of form hath a shrewd consequence: for it is some ground that the fine is set too weak.

And as for the informer's oath touching his composition which is commonly a trifle, and is the other ground of the smallness of the fine, it is no doubt taken with an equivocation: as taking such a sum in name of a composition, and some greater matter by some indirect or collateral mean.

Also, these fines, light as they be, are seldom answered and put in process.

2. An information goeth on to trial, and passeth for the king. In this case of recovery, the informer will be satisfied, and will take his whole moiety, for that he accounts to be no composition: that done, none will be at charge to return the postea, and to procure judgment and execution for the king. For the informer hath that he sought for, the clerks will do nothing without fees paid, which there being no man to prosecute, there can be no man likewise to pay; and so the king loseth his moiety, when his title appears by verdict.

3. It falleth out sometimes in informations of

The remedies.

1. The officer in this point is to perform his greatest service to the king, in soliciting for the king, in such sort as licences be duly returned, the deceits of these fraudulent compositions discovered, and fines may be set for the king in some good proportion, having respect to the values both of the matter and the person; for the king's fines are not to be delivered, as moneys given by the party, "ad redimendam vexationem," but as moneys given "ad redimendam culpam et pœnam legis;" and ought to be in such quantity, as may not make the laws altogether trampled down and contemned. Therefore the officer ought first to be made acquainted with every licence, that he may have an eye to the sequel of it: then ought he to be the person that ought to prefer unto the judges or barons, as well the bills for the taxations of the fines, as the orders for giving further days, to the end that the court may be duly informed both of the weight of causes, and the delays therein used; and lastly, he is to see that the fines sessed be duly put in process, and answered.

2. The officer is to follow for the king, that the posteas be returned.

3. The officer in such case is to inform the

eight, and worthy to be osecuted, the informer eth, or falls to poverty, his mouth is stopped, d yet so as no man can arge him with compo-ion, and so the matter eth.

4. There be sundry sei-res made, in case where e laws give seizures, hich are released by reements underhand, d so money wrested on the subject, and no nefit to the king.

All seizures once made ght not to be dis-arged, but by order of e court, and therefore me entry ought to be ade of them.

king's learned counsel, that they may prosecute if they think fit.

4. The officer is to take knowledge of such seizures, and to give information to the court concerning them.

This is of more difficulty, because seizures are matter in fact, whereas suits are matter of record: and it may require more persons to be employed, as at the ports, where is much abuse.

There be other points wherein the officer may be of good use, which may be comprehended in his grant or instructions, wherewith I will not now trouble your Majesty, for I hold these to be the principal.

Thus have I, according to your Majesty's reference, certified my opinion of that part of Sir Stephen Proctor's projects, which concerneth penal laws: which I do wholly and most humbly submit to your Majesty's high wisdom and judgment, wishing withal that some conference may be had by Mr. Chancellor and the barons and the rest of the learned counsel, to draw the service to a better perfection. And most specially that the travels therein taken may be considered and discerned of by the lord treasurer, whose care and capacity is such, as he doth always either find or choose that which is best for your Majesty's service.

The recompence unto the gentleman, it is not my part to presume to touch, otherwise than to put your Majesty in remembrance of that proportion, which your Majesty is pleased to give to others out of the profits they bring in, and perhaps with a great deal less labour and charge.

A SPEECH

USED

TO THE KING BY HIS MAJESTY'S SOLICITOR,

BEING CHOSEN BY THE COMMONS AS THEIR MOUTH AND MESSENGER, FOR THE PRESENTING TO HIS MAJESTY THE INSTRUMENT OR WRITING OF

THEIR GRIEVANCES.

IN THE PARLIAMENT 7 JACOBI.

MOST GRACIOUS SOVEREIGN,

THE knights, citizens, and burgesses assembled in arliament, in the house of your commons, in all ambleness do exhibit and present unto your most ered Majesty, in their own words, though by my and, their petitions and grievances. They are ere conceived and set down in writing, according ancient custom of parliament: they are also pre-ced according to the manner and taste of these ter times. Therefore for me to make any additional reface, were neither warranted nor convenient; pecially speaking before a king, the exactness of hose judgment ought to scatter and chase away unnecessary speech as the sun doth a vapour. his only I must say; since this session of parlia-ent we have seen your glory in the solemnity of e creation of this most noble prince; we have eard your wisdom in sundry excellent speeches hich you have delivered amongst us; now we ope to find and feel the effects of your goodness, in your gracious answer to these our petitions. For this we are persuaded, that the attribute which was given by one of the wisest writers to two of the best emperors, "Divus Nerva et divus Trajanus," so saith Tacitus, "res olim insociabiles miscuerunt, imperium et libertatem;" may be truly applied to your Majesty. For never was there such a conservatory of regality in a crown, nor ever such a protector of lawful freedom in a subject.

Only this, excellent sovereign, let not the sound of grievances, though it be sad, seem harsh to your princely ears: it is but gemitus columbæ, the mourning of a dove: with that patience and humility of heart which appertaineth to loving and loyal subjects. And far be it from us, but that in the midst of the sense of our grievances we should remember and acknowledge the infinite benefits, which by your Majesty, next under God, we do enjoy; which bind us to wish unto your life fulness of days; and unto your line royal, a succession and continuance even unto the world's end.

It resteth, that unto these petitions here included I do add one more that goeth to them all; which is, that if in the words and frame of them there be any thing offensive; or that we have expressed ourselves otherwise than we should or would; that your Majesty would cover it and cast the veil of your grace upon it; and accept of our good intentions, and help them by your benign interpretation.

Lastly, I am most humbly to crave a particular pardon for myself that have used these few words; and scarcely should have been able to have used any at all, in respect of the reverence which I bear to your person and judgment, had I not been somewhat relieved and comforted by the experience, which in my service and access I have had of your continual grace and favour.

A

SPEECH OF THE KING'S SOLICITOR,

USED UNTO

THE LORDS AT A CONFERENCE BY COMMISSION FROM THE COMMONS, MOVING AND PERSUADING THE LORDS TO JOIN WITH THE COMMONS IN PETITION TO THE KING, TO OBTAIN LIBERTY TO TREAT OF A COMPOSITION WITH HIS MAJESTY FOR

WARDS AND TENURES.

IN THE PARLIAMENT 7 JACOBI.

The knights, citizens, and burgesses of the house of commons, have commanded me to deliver to your lordships the causes of the conference by them prayed, and by your lordships assented, for the second business of this day. They have had report made unto them faithfully of his Majesty's answer declared by my lord treasurer, touching their humble desire to obtain liberty from his Majesty to treat of compounding for tenures. And first, they think themselves much bound unto his Majesty, that in re nova, in which case princes use to be apprehensive, he hath made a gracious construction of their proposition. And so much they know of that, that belongs to the greatness of his Majesty, and the greatness of the cause, as themselves acknowledge they ought not to have expected a present resolution, though the wise man saith, "Hope deferred is the fainting of the soul." But they know their duty to be to attend his Majesty's times at his good pleasure. And this they do with the more comfort, because that in his Majesty's answer, matching the times, and weighing the passages thereof, they conceive, in their opinion, rather hope than discouragement.

But the principal causes of the conference now prayed, besides these significations of duty not to be omitted, are two propositions. The one matter of excuse of themselves; the other, matter of petition. The former of which grows thus. Your lordship, my lord treasurer, in your last declaration of his Majesty's answer, which, according to the attribute then given unto it by a great counsellor, had imaginem Cæsaris fair and lively graven, made this true and effectual distribution, that there depended upon tenures, considerations of honour, of conscience, and of utility. Of these three, utility, as his Majesty set it by for the present, out of the greatness of his mind, so we set it by, out of the justness of our desires: for we never meant but a goodly and worthy augmentation of the profit now received, and not a diminution. But, to speak truly, that consideration falleth naturally to be examined when liberty of treaty is granted: but the former two indeed may exclude treaty, and cut it off before it be admitted.

Nevertheless, in this that we shall say concerning those two, we desire to be conceived rightly: we mean not to dispute with his Majesty what belongeth to sovereign honour or his princely conscience; because we know we are not capable to discern of them otherwise, than as men use sometimes to see the image of the sun in a pail of water. But this we say for ourselves, God forbid that we, knowingly, should have propounded any thing, that might in our sense and persuasion touch either or both; and therefore herein we desire to be heard, not to inform or persuade his Majesty, but to free and excuse ourselves.

And first, in general, we acknowledge that this tree of tenures was planted into the prerogative by the ancient common law of this land: that it hath been fenced in and preserved by many statutes, and that it yieldeth at this day to the king the fruit of a great revenue. But yet, notwithstanding, if upon the stem of this tree may be raised a pillar of support to the crown permanent and durable as the

marble, by investing the crown with a more ample, more certain, and more loving dowry, than this of tenures; we hope we propound no matter of disservice.

But to speak distinctly of both, and first of honour: wherein I pray your lordships, give me leave, in a subject that may seem supra nos, to handle it rather as we are capable, than as the matter perhaps may require. Your lordships well know the various mixture and composition of our house. We have in our house learned civilians that profess a law, that we reverence and sometimes consult with: they can tell us, that all the laws de feodis are but additionals to the ancient civil law; and that the Roman emperors, in the full height of their monarchy, never knew them; so that they are not imperial. We have grave professors of the common law, who will define unto us that those are parts of sovereignty, and of the regal prerogative, which cannot be communicated with subjects: but for tenures in substance, there is none of your lordships but have them, and few of us but have them. The king, indeed, hath a priority or first service of his tenures; and some more amplitude of profit in that we call tenure in chief: but the subject is capable of tenures; which shows that they are not regal, nor any point of sovereignty. We have gentlemen of honourable service in the wars both by sea and land, who can inform us, that when it is in question, who shall set his foot foremost towards the enemy; it is never asked, Whether he holds in knight's service or in socage? So have we many deputy lieutenants to your lordships, and many commissioners that have been for musters and levies, that can tell us, that the service and defence of the realm hath in these days little dependence upon tenures. So then we perceive that it is no bond or ligament of government; no spur of honour, no bridle of obedience. Time was, when it had other uses, and the name of knight's service imports it: but "vocabula manent, res transiunt." But all this which we have spoken we confess to be but in a vulgar capacity; which nevertheless may serve for our excuse, though we submit the thing itself wholly to his Majesty's judgment.

For matter of conscience, far be it from us to cast in any thing willingly, that may trouble that clear fountain of his Majesty's conscience. We do confess it is a noble protection, that these young birds of the nobility and good families should be gathered and clocked under the wings of the crown. But yet "Naturæ vis maxima:" and "Suus cuique discretus sanguis." Your lordships will favour me to observe my former method. The common law itself, which is the best bounds of our wisdom, doth, even in hoc individuo, prefer the prerogative of the father before the prerogative of the king: for if lands descend, held in chief from an ancestor on the part of a mother, to a man's eldest son, the father being alive, the father shall have the custody of the body, and not the king. It is true that this is only for the father, and not any other parent or ancestor: but then if you look to the high law of tutelage and protection, and of obedience and duty which is the relative thereunto; it is not said. "Honour thy father alone," but "Honour thy father and thy mother," &c. Again the civilians can tell us, that there was a special use of the pretorian power for pupils, and yet no tenures. The citizens of London can tell us, there be courts of orphans, and yet no tenures. But all this while we pray your lordships to conceive, that we think ourselves not competent to discern of the honour of his Majesty's crown, or the shrine of his conscience; but leave it wholly unto him, and allege these things but in our own excuse.

For matter of petition, we do continue our most humble suit, by your lordships' loving conjunction, that his Majesty will be pleased to open unto us this entrance of his bounty and grace, as to give us liberty to treat. And lastly, we know his Majesty's times are not subordinate at all but to the globe above. About this time, the sun hath got even with the night, and will rise apace; and we know Solomon's temple, whereof your lordship, my lord treasurer, spake, was not built in a day: and if we shall be so happy as to take the axe to hew, and the hammer to frame, in this case, we know it cannot be without time; and therefore, as far as we may with duty, and without importunity, we most humbly desire an acceleration of his Majesty's answer according to his good time and royal pleasure.

A FRAME OF DECLARATION

FOR THE

MASTER OF THE WARDS,

AT HIS FIRST SITTING.

The king, whose virtues are such, as if we, that are his ministers, were able duly to correspond unto them, it were enough to make a golden time, hath commanded certain of his intentions to be published, touching the administration of this place, because they are somewhat differing from the usage of former times, and yet not by way of novelty, but by way of reformation, and reduction of things to their ancient and true institution.

Wherein, nevertheless, it is his Majesty's express

pleasure it be signified, that he understands this to be done, without any derogation from the memory or service of those great persons, which have formerly held this place, of whose doings his Majesty retaineth a good and gracious remembrance, especially touching the sincerity of their own minds.

But now that his Majesty meaneth to be as it were master of the wards himself, and that those that he useth be as his substitutes, and move wholly in his motion; he doth expect things be carried in a sort worthy his own care.

First, therefore, his Majesty hath had this princely consideration with himself, that as he is pater patriæ, so he is by the ancient law of the kingdom pater pupillorum, where there is any tenure by knight's service of himself; which extendeth almost to all the great families noble and generous of this kingdom: and therefore being a representative father, his purpose is to imitate, and approach as near as may be to the duties and offices of a natural father, in the good education, well bestowing in marriage, and preservation of the houses, woods, lands, and estates of his wards.

For as it is his Majesty's direction, that that part which concerns his own profit and right, be executed with moderation; so on the other side, it is his princely will that that other part, which concerneth protection, be overspread and extended to the utmost.

Wherein his Majesty hath three persons in his eye, the wards themselves, idiots, and the rest of like nature; the suitors in this court; and the subjects at large.

For the first, his Majesty hath commanded special care to be taken in the choice of the persons, to whom they be committed, that the same be sound in religion, such whose house and families are not noted for dissolute, no greedy persons, no stepmothers, nor the like; and with these qualifications, of the nearest friends: nay, further, his Majesty is minded not so to delegate this trust to the committees, but that he will have once in the year at least, by persons of credit in every county, a view and inspection taken of the persons, houses, woods, and lands of the wards, and other persons under the protection of this court, and certificate to be made thereof accordingly.

For the suitors, which is the second; his Majesty's princely care falls upon two points of reformation; the first that there be an examination of fees, what are due and ancient, and what are new and exacted; and those of the latter kind put down: the other, that the court do not entertain causes too long upon continuances of liveries after the parties are come of full age, which serveth but to waste the parties in suit, considering the degrees cannot be perpetual, but temporary; and therefore controversies here handled are seldom put in peace, till they have past a trial and decision in other courts.

For the third, which is the subject at large; his Majesty hath taken into his princely care the unnecessary vexations of his people by feodaries, and other inferior ministers of like nature, by colour of his tenures; of which part I say nothing for the present, because the parties whom it concerns are for th most part absent: but order shall be given, tha they shall give their attendance the last day of th term, then to understand further his Majesty's gra cious pleasure.

Thus much by his Majesty's commandment; no we may proceed to the business of the court.

DIRECTIONS

FOR THE MASTER OF THE WARDS TO OBSERVE, FO HIS MAJESTY'S BETTER SERVICE AND THE GEN RAL GOOD.

First, That he take an account how his Majesty last instructions have been pursued: and of the i crease of benefit accrued to his Majesty thereb and the proportion thereof.

Wherein first, in general, it will be good to ca up a year's benefit, viz. from February, 1610, whic is the date of the instructions under the great sea to February, 1611; and to compare the total wi former years before the instructions, that the tr may appear by the fruit, and it may be seen ho much his Majesty's profit is redoubled or increas by that course.

Secondly, It will not be amiss to compute n only the yearly benefit, but the number of wardship granted that year, and to compare that with th number of former years; for though the number b a thing casual, yet if it be apparently less than i former years, then it may be justly doubted, tha men take advantage upon the last clause in the in structions, of exceptions of wards concealed, a practise delays and misfinding of offices, which is thing most dangerous.

Thirdly, In particular it behoveth to peruse an review the bargains made, and to consider the rate men's estates being things which for the most pa cannot be hid, and thereby to discern what improve ments and good husbandry have been used, and how much the king hath more now when the whol benefit is supposed to go to him, than he had whe three parts of the benefit went to the committee.

Fourthly, It is requisite to take consideratio what commissions have been granted for copyhold for lives, which are excepted by the instructions from being leased, and what profit hath been raised thereby.

Thus much for the time past, and upon view o these accounts "res dabit consilium" for further order to be taken.

For the time to come, first, It is fit that the master of the wards, being a meaner person, be usually present as well at the treaty and beating of the bargain, as at the concluding, and that he take not the business by report.

Secondly, When suit is made, the information by survey and commission is but one image, but the way were by private diligence to be really informed: neither is it hard for a person that liveth in an inn of court, where there be understanding men of every county of England, to obtain by care certain in formation.

Thirdly, This kind of promise of preferring the

next akin, doth much obscure the information, which before by competition of divers did better appear; and therefore it may be necessary for the master of the wards sometimes to direct letters to some persons near the ward living, and to take certificate from them: it being always intended the subject be not racked too high, and that the nearest friends that be sound in religion, and like to give the ward good education, be preferred.

Fourthly, That it be examined carefully whether the ward's revenues consist of copyholds for lives, which are not to be comprised in the lease, and that there be no neglect to grant commissions for the same, and that the master take order to be certified of the profits of former courts held by the ward's ancestor, that it may be a precedent and direction for the commissioners.

Fifthly, That the master make account every six months (the state appoints one in the year) to his Majesty; and that when he bringeth the bill of grants of the body for his Majesty's signature, he bring a schedule of the truth of the state of every one of them, as it hath appeared to him by information, and acquaint his Majesty both with the rates and states.

Thus much concerning the improvement of the king's profit, which concerneth the king as pater familias; now as pater patriæ.

First, for the wards themselves, that there be special care taken in the choice of the committee, that he be sound in religion, his house and family not dissolute, no greedy person, no step-mother, nor the like.

Further, that there be letters written once every year to certain principal gentlemen of credit in every county, to take view not only of the person of the wards in every county, and their education; but of their houses, woods, grounds, and estate, and the same to certify; that the committees may be held in some awe, and that the blessing of the poor orphans and the pupils may come upon his Majesty and his children.

Secondly, for the suitors; that there be a strait examination concerning the raising and multiplication of fees in that court, which is much scandalized with opinion thereof, and all exacted fees put down.

Thirdly, for the subjects at large; that the vexation of escheators and feodaries be repressed, which, upon no substantial ground or record, vex the country with inquisitions and other extortions: and for that purpose that there be one set day at the end of every term appointed for examining the abuses of such inferior officers, and that the master of wards take special care to receive private information from gentlemen of quality and conscience in every shire touching the same.

A

SPEECH OF THE KING'S SOLICITOR,

PERSUADING

THE HOUSE OF COMMONS

TO DESIST FROM FARTHER QUESTION OF

RECEIVING THE KING'S MESSAGES,

BY THEIR SPEAKER, AND FROM THE BODY OF THE COUNCIL, AS WELL AS FROM THE KING'S PERSON.

IN THE PARLIAMENT 7 JACOBI.

It is my desire, that if any the king's business, either of honour or profit, shall pass the house, it may be not only with external prevailing, but with satisfaction of the inward man. For in consent, where tongue-strings, not heart-strings, make the music, that harmony may end in discord. To this I shall always bend my endeavours.

The king's sovereignty, and the liberty of parliament, are as the two elements and principles of this estate; which, though the one be more active, the other more passive, yet they do not cross or destroy the one the other; but they strengthen and maintain the one the other. Take away liberty of parliament, the griefs of the subject will bleed inwards: sharp and eager humours will not evaporate; and then they must exulcerate; and so may endanger the sovereignty itself. On the other side, if the king's sovereignty receive diminution, or any degree of contempt with us that are born under an hereditary monarchy, so as the motions of our estate cannot work in any other frame or engine, it must follow, that we shall be a meteor, or corpus imperfecte

mistum; which kind of bodies come speedily to confusion and dissolution. And herein it is our happiness, that we may make the same judgment of the king, which Tacitus made of Nerva: "Divus Nerva res olim dissociabiles miscuit, imperium et libertatem." Nerva did temper things, that before were thought incompatible, or insociable, sovereignty and liberty. And it is not amiss in a great council and a great cause to put the other part of the difference, which was significantly expressed by the judgment which Apollonius made of Nero; which was thus: when Vespasian came out of Judæa towards Italy, to receive the empire, as he passed by Alexandria he spake with Apollonius, a man much admired, and asked him a question of state: "What was the cause of Nero's fall or overthrow?" Apollonius answered again, "Nero could tune the harp well: but in government he always either wound up the pins too high, and strained the strings too far; or let them down too low, and slackened the strings too much." Here we see the difference between regular and able princes, and irregular and incapable, Nerva and Nero. The one tempers and mingles the sovereignty with the liberty of the subject wisely; and the other doth interchange it, and vary it unequally and absurdly. Since therefore we have a prince of so excellent wisdom and moderation, of whose authority we ought to be tender, as he is likewise of our liberty, let us enter into a true and indifferent consideration, how far forth the case in question may touch his authority, and how far forth our liberty: and, to speak clearly, in my opinion it concerns his authority much, and our liberty nothing at all.

The questions are two: the one, whether our speaker be exempted from delivery of a message from the king without our licence? The other, whether it is not all one whether he received it from the body of the council, as if he received it immediately from the king? And I will speak of the last first, because it is the circumstance of the present case.

First, I say, let us see how it concerns the king, and then how it concerns us. For the king, certainly, if it be observed, it cannot be denied, but if you may not receive his pleasure by his representative body, which is his council of his estate, you both straiten his Majesty in point of conveniency, and weaken the reputation of his council. All kings, though they be gods on earth, yet, as he said, they are gods of earth, frail as other men; they may be children; they may be of extreme age; they may be indisposed in health; they may be absent. In these cases, if their council may not supply their persons, to what infinite accidents do you expose them! Nay, more, sometimes in policy kings will not be seen, but cover themselves with their council; and if this be taken from them, a great part of their safety is taken away. For the other point of weakening the council; you know they are nothing without the king: they are no body-politic; they have no commission under seal. So as, if you begin to distinguish and disjoin them from the king, they are corpus opacum; for they have lumen de lumine: and so by distinguishing you extinguish the principal engine of the estate. For it is truly affirmed, that "Concilium non habet potestatem delegatam, sed inhærentem:" and it is but rex in cathedra, the king in his chair or consistory, where his will and decrees, which are in privacy more changeable, are settled and fixed.

Now for that which concerns ourselves. First, for dignity; no man must think this a disparagement to us: for the greatest kings in Europe, by their ambassadors, receive answers and directions from the council in the king's absence; and if that negotiation be fit for the fraternity and party of kings, it may much less be excepted to by subjects.

For use or benefit, no man can be so raw and unacquainted in the affairs of the world, as to conceive there should be any disadvantage in it, as if such answers were less firm and certain. For it cannot be supposed, that men of so great caution, as counsellors of estate commonly are, whether you take caution for wisdom or providence, or for pledge of estate or fortune, will ever err, or adventure so far as to exceed their warrant. And therefore I conclude, that in this point there can be unto us neither disgrace nor disadvantage.

For the point of the speaker. First, on the king's part, it may have a shrewd illation: for it hath a show, as if there could be a stronger duty than the duty of a subject to a king. We see the degrees and differences of duties in families, between father and son, master and servant; in corporate bodies, between commonalities and their officers, recorders, stewards, and the like; yet all these give place to the king's commandments. The bonds are more special, but not so forcible. On our part, it concerns us nothing. For first it is but de canali, of the pipe; how the king's message shall be conveyed to us, and not of the matter. Neither hath the speaker any such dominion, as that coming out of his mouth it presseth us more than out of a privy counsellor's. Nay, it seems to be a great trust of the king's towards the house, when the king doubteth not to put his message into their mouth, as if he should speak to the city by their recorder: therefore, methinks we should not entertain this unnecessary doubt. It is one use of wit to make clear things doubtful; but it is a much better use of wit to make doubtful things clear; and to that I would men would bend themselves.

AN

ARGUMENT OF SIR FRANCIS BACON,

THE KING'S SOLICITOR,

IN THE LOWER HOUSE OF PARLIAMENT,

PROVING

THE KING'S RIGHT OF IMPOSITIONS ON MERCHANDISES IMPORTED AND EXPORTED.*

And it please you, Mr. Speaker, this question touching the right of impositions is very great; extending to the prerogative of the king on the one part, and the liberty of the subject on the other; and that in a point of profit and value, and not of conceit or fancy. And therefore, as weight in all motions increaseth force, so I do not marvel to see men gather the greatest strength of argument they can to make good their opinions. And so you will give me leave likewise, being strong in mine own persuasion that it is the king's right, to show my voice as free as my thought. And for my part, I mean to observe the true course to give strength to this cause, which is, by yielding those things which are not tenable, and keeping the question within the true state and compass; which will discharge many popular arguments, and contract the debate into a less room.

Wherefore I do deliver the question, and exclude or set by, as not in question, five things. First, the question is de portorio, and not de tributo, to use the Roman words for explanation sake; it is not, I say, touching any taxes within the land, but of payments at the ports. Secondly, it is not touching any impost from port to port, but where claves regni, the keys of the kingdom, are turned to let in from foreign parts, or to send forth to foreign parts; in a word, matter of commerce and intercourse, not simply of carriage or vecture. Thirdly, the question is, as the distinction was used above in another case, "de vero et falso," and not "de bono et malo," of the legal point, and not of the inconvenience, otherwise than as it serves to decide the law. Fourthly, I do set apart three commodities, wools, woolfells, and leather, as being in different case from the rest; because the custom upon them is antiqua custuma. Lastly, the question is not, whether in matter of imposing the king may alter the law by his prerogative, but whether the king have not such a prerogative by law.

The state of the question being thus cleared and freed, my proposition is, that the king by the fundamental laws of this kingdom hath a power to impose upon merchandise and commodities both native and foreign. In my proof of this proposition all that I shall say, be it to confirm or confute, I will draw into certain distinct heads or considerations which move me, and may move you.

The first is a universal negative: there appeareth not in any of the king's courts any one record, wherein an imposition laid at the ports hath been overthrown by judgment; nay more, where it hath been questioned by pleading. This plea, "quod summa prædicta minus juste imposita fuit, et contra leges et consuetudines regni hujus Angliæ, unde idem Bates illam solvere recusavit, prout ei bene licuit;" is "primæ impressionis." Bates was the first man ab origine mundi, for any thing that appeareth, that ministered that plea; whereupon I offer this to consideration: the king's acts that grieve the subject are either against law, and so void, or according to strictness of law, and yet grievous. And according to these several natures of grievance, there be several remedies: Be they against law? Overthrow them by judgment: Be they too strait and extreme, though legal? Propound them in parliament. Forasmuch then as impositions at the ports, having been so often laid, were never brought into the king's courts of justice, but still brought to parliament, I may most certainly conclude, that they were conceived not to be against law. And if any man shall think that it was too high a point to question by law before the judges, or that there should want fortitude in them to aid the subject; no, it shall appear from time to time, in cases of equal reach, where the king's acts have been indeed against law, the course of law hath run, and the judges have worthily done their duty.

As in the case of an imposition upon linen cloth for the alnage; overthrown by judgment. — 12 H. 4. 13 H. 4.

The case of a commission of arrest and committing of subjects upon examination without conviction by jury, disallowed by the judges. — 40 Assis.

* This matter was much debated by the lawyers and gentlemen in the parliament 1610, and 1614, &c. and afterwards given up by the crown in 1641.

2 Eliz. Scrogg's case. A commission to determine the right of the exigenter's place, "secundum sanam discretionem," disallowed by the judges.

43 Eliz. The case of the monopoly of cards, overthrown and condemned by judgment.

I might make mention of the jurisdiction of some courts of discretion, wherein the judges did not decline to give opinion. Therefore, had this been against law, there would not have been altum silentium in the king's courts. Of the contrary judgments I will not yet speak; thus much now, that there is no judgment, no, nor plea against it. Though I said no more, it were enough, in my opinion, to induce you to a non liquet, to leave it a doubt.

The second consideration is, the force and continuance of payments made by grants of merchants, both strangers and English, without consent of parliament. Herein I lay this ground, that such grants considered in themselves are void in law: for merchants, either strangers or subjects, they are no body corporate, but singular and dispersed persons; they cannot bind succession, neither can the major part bind the residue: how then should their grants have force? No otherwise but thus: that the king's power of imposing was only the legal virtue and strength of those grants; and that the consent of a merchant is but a concurrence, the king is principale agens, and they are but as the patient, and so it becomes a binding act out of the king's power.

Now if any man doubt that such grants of merchants should not be of force, I will allege but two memorable records, the one for the merchants strangers, the other for the merchants English.

31 Ed. 1. Chart. mercator. That for the strangers is upon the grant of chart. mercator. of three pence in value "ultra antiquas custumas;" which grant is in use and practice at this day. For it is well known to the merchants, that that which they call stranger's custom, and erroneously double custom, is but three pence in the pound more than English. Now look into the statutes of subsidy of tonnage and poundage, and you shall find, a few merchandise only excepted, the poundage equal upon alien and subject; so that this difference or excess of three pence hath no other ground than that grant. It falleth to be the same in quantity, there is no statute for it, and therefore it can have no strength but from the merchants' grants; and the merchants' grants can have no strength but from the king's power to impose.

17 Ed. 3. For the merchants English take the notable record in 17 E. III. where the commons complained of the forty shillings upon the sack of wool as a mal-toll set by the assent of the merchants without consent of parliament; nay, they dispute and say it were hard that the merchants' consent should be in damage of the commons. What saith the king to them? doth he grant it or give way to it? No; but replies upon them, and saith, It cannot be rightly construed to be in prejudice of the commons, the rather because provision was made, that the merchants should not work upon them, by colour of that payment to increase the price; in that there was a price certain set upon the wools. And there was an end of that matter which plainly affirmeth the force of the merchants grants. So then the force of the grants of merchants both English and strangers appeareth, and their grants being not corporate, are but nomina adjectives without the king's power to impose.

The third consideration is, of the first and most ancient commencement of customs; wherein I am somewhat to seek: for, as the poet saith, "Ingrediturque solo, et caput inter nubila condit," the beginning of it is obscure: but I rather conceive that it is by common law than by grant in parliament. For, first, Mr. Dyer's opinion was, that the ancient custom for exportation was by the common law, and goeth farther, that that ancient custom was the custom upon wools, woolfells, and leather: he was deceived in the particular, and the diligence of your search hath revealed it; for that custom upon these three merchandises grew by grant of parliament 3 E. I. but the opinion in general was sound; for there was a custom before that: for the records themselves which speak of that custom do term it a new custom, "Alentour del novel custome." And concerning the new custom granted, &c. this is pregnant, there was yet a more ancient. So for the strangers, the grant in 31 E. I. chart. mercator is, that the three pence granted by the strangers should be "ultra antiquas custumas," which hath no affinity with that custom upon the three species, but presupposeth more ancient customs in general. Now if any man think that those more ancient customs were likewise by act of parliament, it is but a conjecture: it is never recited "ultra antiquas custumas prius concessas," and acts of parliament were not much stirring before the great charter, which was 9 H. III. And therefore I conceive with Mr. Dyer, that whatsoever was the ancient custom, was by the common law. And if by the common law, then what other means can be imagined of the commencement of it but by the king's imposing?

The fourth consideration is, of the manner that was held in parliament in the abolishing of impositions laid: wherein I will consider, first, the manner of the petitions exhibited in parliament; and more especially the nature of the king's answers. For the petitions I note two things; first, that to my remembrance there was never any petition made for the revoking of any imposition upon foreign merchants only. It pleased the Decemviri in 5 E. II. to deface chart. mercator. and so the impositions upon strangers, as against law: but the opinion of these reformers I do not much trust, for they of their gentleness did likewise bring in doubt the demy-mark, which it is manifest was granted by parliament, and pronounced by them the king should have it, "s'il avoit le doit;" but this is declared void by 1 E. III. which reneweth chart. mercator. and void must it needs be, because it was an ordinance by commission only, and that in the time of a weak king, and never either warranted or confirmed by parliament. Secondly, I note that petitions

were made promiscuously for taking away impositions set by parliament as well as without parliament; nay, that very tax of the neufiesme, the ninth sheaf or fleece, which is recited to be against the king's oath and in blemishment of his crown, was an act of parliament, 14 E. III. So then to infer that impositions were against law, because they are taken away by succeeding parliaments, it is no argument at all; because the impositions set by the parliaments themselves, which no man will say were against law, were, nevertheless, afterwards pulled down by parliament. But indeed the argument holdeth rather the other way, that because they took not their remedy in the king's courts of justice, but did fly to the parliament, therefore they were thought to stand with law.

Now for the king's answers: if the impositions complained of had been against law, then the king's answer ought to have been simple, "tanquam responsio categorica, non hypothetica;" as, Let them be repealed, or, Let the law run: but contrariwise, they admit all manner of diversities and qualifications: for

Sometimes the king disputeth the matter and doth nothing; as 17 E. III.

Sometimes the king distinguisheth of reasonable and not reasonable; as 38 E. III.

Sometimes he abolisheth them in part, and letteth them stand in part; as 11 E. II. the record of the mutuum, and 14 E. III. the printed statute, whereof I shall speak more anon.

Sometimes that no imposition shall be set during the time that the grants made of subsidies by parliament shall continue; as 47 E. III.

Sometimes that they shall cease "ad voluntatem nostram."

And sometimes that they shall hold over their term prefixed or asseissed.

All which showeth that the king did not disclaim them as unlawful, for "actus legitimus non recipit tempus aut conditionem." If it had been a disaffirmance by law, they must have gone down in solido, but now you see they have been tempered and qualified as the king saw convenient.

The fifth consideration is of that which is offered by way of objection; which is, first, that such grants have been usually made by consent of parliament; and, secondly, that the statutes of subsidies of tonnage and poundage have been made as a kind of stint and limitation, that the king should hold himself unto the proportion so granted and not impose farther; the rather because it is expressed in some of these statutes of tonnage and poundage, sometimes by way of protestation, and sometimes by way of condition, that they shall not be taken in precedent, or that the king shall not impose any farther rates or novelties, as 6 R. II. 9 R. II. 13 H. IV. 1 H. V. which subsidies of tonnage and poundage have such clauses and cautions.

To this objection I give this answer. First, that it is not strange with kings, for their own better strength, and the better contentment of their people, to do those things by parliament, which nevertheless have perfection enough without parliament. We see their own rights to the crown which are inherent, yet they take recognition of them by parliament. And there was a special reason why they should do it in this case, for they had found by experience that if they had not consent in parliament to the setting of them up, they could not have avoided suit in parliament for the taking of them down. Besides, there were some things requisite in the manner of the levy for the better strengthening of the same, which percase could not be done without parliament, as the taking the oath of the party touching the value, the inviting of the discovery of concealment of custom by giving the moiety to the informer, and the like.

Now in special for the statutes of subsidies of tonnage and poundage, I note three things. First, that the consideration of the grant is not laid to be for the restraining of impositions, but expressly for the guarding of the sea. Secondly, that it is true that the ancient form is more peremptory, and the modern more submiss; for in the ancient form sometimes they insert a flat condition that the king shall not farther impose; in the latter they humbly pray that the merchants may be demeaned without oppression, paying those rates; but whether it be supplication, or whether it be condition, it rather implieth the king hath a power; for else both were needless, for "conditio annectitur ubi libertas præsumitur," and the word oppression seemeth to refer to excessive impositions. And thirdly, that the statutes of tonnage and poundage are but cumulative and not privative of the king's power precedent, appeareth notably in the three pence overplus, which is paid by the merchants strangers, which should be taken away quite, if those statutes were taken to be limitations; for in that, as was touched before, the rates are equal in the generality between subjects and strangers, and yet that imposition, notwithstanding any supposed restriction of these acts of subsidies of tonnage and poundage, remaineth at this day.

The sixth consideration is likewise of an objection, which is matter of practice, viz. that from R. II.'s time to Q. Mary, which is almost 200 years, there was an intermission of impositions, as appeareth both by records and the custom-books.

To which I answer; both that we have in effect an equal number of years to countervail them, namely, 100 years in the times of the three kings Edwards added to 60 of our last years; and "extrema obruunt media;" for we have both the reverence of antiquity and the possession of the present times, and they but the middle times; and besides, in all true judgment there is a very great difference between a usage to prove a thing lawful, and a non-usage to prove it unlawful: for the practice plainly implieth consent; but the discontinuance may be either because it was not needful, though lawful; or because there was found a better means, as I think it was indeed in respect of the double customs by means of the staple at Calais.

A BRIEF SPEECH

IN THE END OF THE SESSION OF PARLIAMENT 7 JACOBI.

PERSUADING SOME SUPPLY TO BE GIVEN TO HIS MAJESTY: WHICH SEEMED THEN TO STAND UPON DOUBTFUL TERMS, AND PASSED UPON THIS SPEECH.

THE proportion of the king's supply is not now in question: for when that shall be, it may be I shall be of opinion, that we should give so now, as we may the better give again. But as things stand for the present, I think the point of honour and reputation is that which his Majesty standeth most upon, that our gift may at least be like those showers that may serve to lay the winds, though they do not sufficiently water the earth.

To labour to persuade you, I will not: for I know not into what form to cast my speech. If I should enter into a laudative, though never so due and just, of the king's great merits, it may be taken for flattery: if I should speak of the strait obligations which intercede between the king and the subject, in case of the king's want, it were a kind of concluding the house: if I should speak of the dangerous consequence which want may reverberate upon subjects, it might have a show of a secret menace.

These arguments are, I hope, needless, and do better in your minds than in my mouth. But this give me leave to say, that whereas the example of Cyrus was used, who sought his supply from those upon whom he had bestowed his benefits; we must always remember, that there are as well benefits of the sceptre as benefits of the hand, as well of government as of liberality. These, I am sure, we will acknowledge to have come plena manu amongst us all, and all those whom we represent; and therefore it is every man's head in this case that must be his counsellor, and every man's heart his orator; and to those inward powers, more forcible than any man's speech, I leave it, and wish it may go to the question.

A CERTIFICATE

TO

THE LORDS OF THE COUNCIL,

UPON INFORMATION GIVEN

TOUCHING THE SCARCITY OF SILVER AT THE MINT AND REFERENCE TO THE TWO CHANCELLORS AND THE KING'S SOLICITOR.

IT MAY PLEASE YOUR LORDSHIPS,

ACCORDING unto your lordships' letters unto us directed, grounded upon the information which his Majesty hath received concerning the scarcity of silver at the Mint, we have called before us as well the officers of the Mint, as some principal merchants, and spent two whole afternoons in the examination of the buisiness; wherein we kept this order, first to examine the fact, then the causes, with the remedies.

And for the fact, we directed the officers of the Mint to give unto us a distinguished account how much gold and silver hath yearly been brought into the Mint, by the space of six whole years last past, more especially for the last three months succeeding the last proclamation touching the price of gold; to the end we might by the suddenness of the fall discern, whether that proclamation might be thought the efficient cause of the present scarcity. Upon which account it appears to us, that during the space of six years aforesaid, there hath been still degrees of decay in quantity of the silver brought to the Mint, but yet so, as within these last three months it hath grown far beyond the proportion of the former time, insomuch as there comes in now little or none at all. And yet, notwithstanding, it is some opinion, as well amongst the officers of the Mint as the merchants, that the state need be the less apprehensive of this effect, because it is like to be but

temporary, and neither the great flush of gold that is come into the Mint since the proclamation, nor on the other side the great scarcity of silver, can continue in proportion as it now doth.

Another point of the fact, which we thought fit to examine, was, whether the scarcity of silver appeared generally in the realm, or only at the Mint; wherein it was confessed by the merchants, that silver is continually imported into the realm, and is found stirring amongst the goldsmiths, and otherwise much like as in former times, although in respect of the greater price which it hath with the goldsmith, it cannot find the way to the Mint. And thus much for the fact.

For the causes with the remedies, we have heard many propositions made, as well by the lord Knevet, who assisted us in this conference, as by the merchants; of which propositions few were new unto us, and much less can be new to your lordships; but yet although upon former consultations, we are not unacquainted what is more or less likely to stand with your lordships' grounds and opinions, we thought it nevertheless the best fruit of our diligence to set them down in articles, that your lordships with more ease may discard or entertain the particulars, beginning with those which your lordships do point at in your letters, and so descending to the rest.

The first proposition is, touching the disproportion of the price between gold and silver, which is now brought to bed, upon the point of fourteen to one, being before but twelve to one. This we take to be an evident cause of scarcity of silver at the Mint, but such a cause as will hardly receive a remedy; for either your lordships must draw down again the price of gold, or advance the price of silver; whereof the one is going back from that which is so lately done, and whereof you have found good effect, and the other is a thing of dangerous consequence in respect of the loss to all moneyed men in their debts, gentlemen in their rents, the king in his customs, and the common subject in raising the price of things vendible. And upon this point it is fit we give your lordships understanding what the merchants intimated unto us, that the very voicing or suspect of the raising of the price of silver, if it be not cleared, would make such a deadness and retention of money this vacation, as, to use their own words, will be a misery to the merchants: so that we were forced to use protestation, that there was no such intent.

The second proposition, is touching the charge of coinage; wherein it was confidently avouched by the merchants, that if the coinage were brought from two shillings unto eighteen pence, as it was in queen Elizabeth's time, the king would gain more in the quantity than he should lose in the price: and they aided themselves with that argument, that the king had been pleased to abate his coinage in the other metal, and found good of it: which argument, though it doth admit a difference, because that abatement was coupled with the raising of the price, whereas this is to go alone; yet nevertheless it seemed the officers of the Mint were not unwilling to give way to some abatement, although they presumed it would be of small effect, because that abatement would not be equivalent to that price which Spanish silver bears with the goldsmith; but yet it may be used as an experiment of state, being recoverable at his Majesty's pleasure.

The third proposition is, concerning the exportation of silver more than in former times, wherein we fell first upon the trade into the East Indies: concerning which it was materially in our opinions answered by the merchants of that company, that the silver which supplies that trade, being generally Spanish moneys, would not be brought in but for that trade, so that it sucks in as well as it draws forth. And it was added likewise, that as long as the Low Countries maintained that trade in the Indies, it would help little though our trade were dissolved, because that silver which is exported immediately by us to the Indies would be drawn out of this kingdom, for the Indies immediately by the Dutch: and for the silver exported to the Levant, it was thought to be no great matter. As for other exportation, we saw no remedy but the execution of the laws, specially those of employment being by some mitigation made agreeable to the times. And these three remedies are of that nature, as they serve to remove the causes of this scarcity. There were other propositions of policies and means, directly to draw silver to the Mint.

The fourth point thereof was this: It is agreed that the silver which hath heretofore fed the Mint, principally hath been Spanish money. This now comes into the realm plentifully, but not into the Mint. It was propounded in imitation of some precedent in France, that his Majesty would by proclamation restrain the coming in of this money sub modo, that is, that either it be brought to the Mint, or otherwise to be cut and defaced, because that now it passeth in payments in a kind of currency. To which it was colourably objected, that this would be the way to have none brought in at all, because the gain ceasing, the importation would cease; but this objection was well answered, that it is not gain altogether, but a necessity of speedy payment, that causeth the merchant to bring in silver to keep his credit, and to drive his trade: so that if the king keep his fourteen days payment at the Mint, as he always hath done, and have likewise his exchangers for those moneys in some principal parts, it is supposed that all Spanish moneys, which is the bulk of silver brought into this realm, would by means of such a proclamation come into the Mint; which may be a thing considerable.

The fifth proposition was this: It was warranted by the laws of Spain to bring in silver for corn or victuals; it was propounded that his Majesty would restrain exportation of corn sub modo, except they bring the silver which resulted thereof unto his Mint; that trade being commonly so beneficial, as the merchant may well endure the bringing of the silver to the Mint, although it were at the charge of coinage, which it now beareth farther, as incident to this matter. There was revived by the merchants, with some instance, the ancient proposition concerning the erection of granaries for foreign corn, foras-

much as by that increase of trade in corn, the importation of silver would likewise be multiplied.

The sixth proposition was, That upon all licence of forbidden commodities, there shall be a rate set of silver to be brought into the Mint; which nevertheless may seem somewhat hard, because it imposeth upon the subject that which causeth him to incur peril of confiscation in foreign parts. To trouble your lordships farther with discourses which we had of making foreign coins current, and of varying the king's standard to weight, upon the variations in other states, and repressing surfeit of foreign commodities, that our native commodities, surmounting the foreign, may draw in treasure by way of overplus; they be common places so well known to your lordships, as it is enough to mention them only.

There is only one thing more, which is, to put your lordships in mind of the extreme excess in the wasting of both metals, both of gold and silver foliate, which turns the nature of these metals, which ought to be perdurable, and makes them perishable, and by consumption must be a principal cause of scarcity in them both; which we conceive may receive a speedy remedy by his Majesty's proclamation.

Lastly, We are humble suitors to your lordships, that for any of these propositions, that your lordships should think fit to entertain in consultations, your lordships would be pleased to hear them debated before yourselves, as being matters of greater weight than we are able to judge of. And so craving your lordships' pardon for troubling you so long, we commend your lordships to God's goodness.

ADVICE TO THE KING,

TOUCHING

MR. SUTTON'S ESTATE.

May it please your Majesty,

I find it a positive precept of the old law, that there should be no sacrifice without salt: the moral whereof, besides the ceremony, may be, that God is not pleased with the body of a good intention, except it be seasoned with that spiritual wisdom and judgment, as it be not easily subject to be corrupted and perverted: for salt, in the Scripture, is a figure both of wisdom and lasting. This cometh into my mind upon this act of Mr. Sutton, which seemeth to me as a sacrifice without salt; having the materials of a good intention, but not powdered with any such ordinances and institutions as may preserve the same from turning corrupt, or at least from becoming unsavory, and of little use. For though the choice of the feoffees be of the best, yet neither can they always live; and the very nature of the work itself, in the vast and unfit proportions thereof, being apt to provoke a misemployment; it is no diligence of theirs, except there be a digression from that model, that can excuse it from running the same way that gifts of like condition have heretofore done. For to design the Charterhouse, a building fit for a prince's habitation, for an hospital, is all one as if one should give in alms a rich embroidered cloak to a beggar. And certainly a man may see "tanquam quæ oculis cernuntur," that if such an edifice, with six thousand pounds revenue, be erected into one hospital, it will in small time degenerate to be made a preferment of some great person to be master, and he to take all the sweet, and the poor to be stinted, and take but the crumbs; as it comes to pass in divers hospitals of this realm, which have but the names of hospitals, and are only wealthy benefices in respect of the mastership; but the poor, which is the propter quid, little relieved. And the like hath been the fortune of much of the alms of the Roman religion in their great foundations, which being begun in vain-glory and ostentation, have had their judgment upon them, to end in corruption and abuse. This meditation hath made me presume to write these few lines to your Majesty; being no better than good wishes, which your Majesty's great wisdom may make something or nothing of.

Wherein I desire to be thus understood, that if this foundation, such as it is, be perfect and good in law, then I am too well acquainted with your Majesty's disposition, to advise any course of power or profit that is not grounded upon a right: nay farther, if the defects be such as a court of equity may remedy and cure, then I wish that as St. Peter's shadow did cure diseases, so the very shadow of a good intention may cure defects of that nature. But if there be a right, and birthright planted in the heir, and not remediable by courts of equity, and that right be submitted to your Majesty, whereby it is both in your power and grace what to do; then I do wish that this rude mass and chaos of a good deed were directed rather to a solid merit, and durable charity, than to a blaze of glory, that will but crackle a little in talk, and quickly extinguish.

And this may be done, observing the species of Mr. Sutton's intent, though varying in individuo:

for it appears that he had in notion a triple good, an hospital, and a school, and maintaining of a preacher: which individuals refer to these three general heads; relief of poor, advancement of learning, and propagation of religion. Now then if I shall set before your Majesty, in every of these three kinds, what it is that is most wanting in your kingdom; and what is like to be the most fruitful and effectual use of such a beneficence, and least like to be perverted; that, I think, shall be no ill scope of my labour, how meanly soever performed; for out of variety represented, election may be best grounded.

Concerning the relief of the poor; I hold some number of hospitals, with competent endowments, will do far more good than one hospital of an exuberant greatness: for though the one course will be the more seen, yet the other will be the more felt. For if your Majesty erect many, besides the observing the ordinary maxim, "Bonum, quo communius, eo melius," choice may be made of those towns and places where there is most need, and so the remedy may be distributed as the disease is dispersed. Again, greatness of relief, accumulated in one place, doth rather invite a swarm and surcharge of poor, than relieve those that are naturally bred in that place; like to ill tempered medicines, that draw more humour to the part than they evacuate from it. But chiefly I rely upon the reason that I touched in the beginning, that in these great hospitals the revenues will draw the use, and not the use the revenues; and so, through the mass of the wealth, they will swiftly tumble down to a misemployment. And if any man say, that in the two hospitals in London there is a precedent of greatness concurring with good employment; let him consider that those hospitals have annual governors, that they are under the superior care and policy of such a state as the city of London; and chiefly, that their revenues consist not upon certainties, but upon casualties and free gifts: which gifts would be withheld, if they appeared once to be perverted; so as it keepeth them in a continual good behaviour and awe to employ them aright; none of which points do match with the present case.

The next consideration may be, whether this intended hospital, as it hath a more ample endowment than other hospitals have, should not likewise work upon a better subject than other poor; as that it should be converted to the relief of maimed soldiers, decayed merchants, householders aged, and destitute churchmen, and the like; whose condition, being of a better sort than loose people and beggars, deserveth both a more liberal stipend and allowance, and some proper place of relief, not intermingled or coupled with the basest sort of poor; which project, though specious, yet in my judgment will not answer the designment in the event, in these our times. For certainly few men in any vocation, which have been somebody, and bear a mind somewhat according to the conscience and remembrance of that they have been, will ever descend to that condition, as to profess to live upon alms, and to become a corporation of declared beggars; but rather will choose to live obscurely, and as it were to hide themselves with some private friends: so that the end of such an institution will be, that it will make the place a receptacle of the worst, idlest, and most dissolute persons of every profession, and to become a cell of loiterers, and cast serving-men, and drunkards, with scandal rather than fruit to the commonwealth. And of this kind I can find but one example with us, which is the alms-knights of Windsor; which particular would give a man small encouragement to follow that precedent.

Therefore the best effect of hospitals is, to make the kingdom, if it were possible, capable of that law, that there be no beggar in Israel: for it is that kind of people that is a burden, an eye-sore, a scandal, and a seed of peril and tumult in the state. But chiefly it were to be wished, that such a beneficence towards the relief of the poor were so bestowed, as not only the mere and naked poor should be sustained, but also, that the honest person which hath hard means to live, upon whom the poor are now charged, should be in some sort eased: for that were a work generally acceptable to the kingdom, if the public hand of alms might spare the private hand of tax: and therefore, of all other employments of that kind, I commend most houses of relief and correction, which are mixt hospitals; where the impotent person is relieved, and the sturdy beggar buckled to work; and the unable person also not maintained to be idle, which is ever joined with drunkenness and impurity, but is sorted with such works as he can manage and perform; and where the uses are not distinguished, as in other hospitals; whereof some are for aged and impotent, and some for children, and some for correction of vagabonds; but are general and promiscuous: so that they may take off poor of every sort from the country as the country breeds them: and thus the poor themselves shall find the provision, and other people the sweetness of the abatement of the tax. Now if it be objected, that houses of correction in all places have not done the good expected, as it cannot be denied, but in most places they have done much good, it must be remembered that there is a great difference between that which is done by the distracted government of justices of peace, and that which may be done by a settled ordinance, subject to a regular visitation, as this may be. And besides, the want hath been commonly in houses of correction of a competent and certain stock, for the materials of the labour, which in this case may be likewise supplied.

Concerning the advancement of learning, I do subscribe to the opinion of one of the wisest and greatest men of your kingdom: That for grammar schools there are already too many, and therefore no providence to add where there is excess: for the great number of schools which are in your highness's realm, doth cause a want, and doth cause likewise an overflow; both of them inconvenient, and one of them dangerous. For by means thereof they find want in the country and towns, both of servants for husbandry, and apprentices for trade: and on the other side, there being more scholars bred, than the state can prefer and employ; and the active part of that life not bearing a proportion to

the preparative, it must needs fall out, that many persons will be bred unfit for other vocations, and unprofitable for that in which they are brought up; which fills the realm full of indigent, idle, and wanton people, which are but "materia rerum novarum."

Therefore, in this point, I wish Mr. Sutton's intention were exalted a degree; that that which he meant for teachers of children, your Majesty should make for teachers of men; wherein it hath been my ancient opinion and observation, that in the universities of this realm, which I take to be of the best endowed universities of Europe, there is nothing more wanting towards the flourishing state of learning, than the honourable and plentiful salaries of readers in arts and professions. In which point, as your Majesty's bounty already hath made a beginning, so this occasion is offered of God to make a proceeding. Surely readers in the chair are as parents in sciences, and deserve to enjoy a condition not inferior to their children that embrace the practical part; else no man will sit longer in the chair, than till he can walk to a better preferment: and it will come to pass as Virgil saith,

"Ut patrum invalidi referant jejunia nati."

For if the principal readers, through the meanness of their entertainment, be but men of superficial learning, and that they shall take their place but in passage, it will make the mass of sciences want the chief and solid dimension, which is depth; and to become but pretty and compendious habits of practice. Therefore I could wish that in both the universities, the lectures as well of the three professions, divinity, law, and physic; as of the three heads of science, philosophy, arts of speech, and the mathematics; were raised in their pensions unto 100*l.* per annum apiece: which though it be not near so great as they are in some other places, where the greatness of the reward doth whistle for the ablest men out of all foreign parts to supply the chair; yet it may be a portion to content a worthy and able man; if he be likewise contemplative in nature, as those spirits are that are fittest for lectures. Thus may learning in your kingdom be advanced to a farther height; learning, I say, which under your Majesty, the most learned of kings, may claim some degree of elevation.

Concerning propagation of religion, I shall in few words set before your Majesty three propositions: none of them devices of mine own, otherwise than that I ever approved them; two of which have been in agitation of speech, and the third acted.

The first is a college for controversies, whereby we shall not still proceed single, but shall, as it were, double our files; which certainly will be found in the encounter.

The second is a receipt, I like not the word seminary, in respect of the vain vows, and implicit obedience, and other things tending to the perturbation of states, involved in that term, for converts to the reformed religion, either of youth or otherwise; for I doubt not but there are in Spain, Italy, and other countries of the papist, many whose hearts are touched with a sense of those corruptions, and an acknowledgment of a better way; which grace is many times smothered and choked, through a worldly consideration of necessity and want; men not knowing where to have succour and refuge. This likewise I hold a work of great piety, and a work of great consequence; that we also may be wise in our generation; and that the watchful and silent night may be used as well for sowing of good seed, as of tares.

The third is, the imitation of a memorable and religious act of queen Elizabeth; who finding a part of Lancashire to be extremely backward in religion, and the benefices swallowed up in impropriations, did, by decree in the duchy, erect four stipends of 100*l.* per annum apiece for preachers well chosen to help the harvest, which have done a great deal of good in the parts where they have laboured. Neither do there want other corners in the realm, that would require for a time the like extraordinary help.

Thus have I briefly delivered unto your Majesty mine opinion touching the employment of this charity; whereby that mass of wealth, which was in the owner little better than a stack or heap of muck, may be spread over your kingdom to many fruitful purposes; your Majesty planting and watering, and God giving the increase.

A SPEECH

DELIVERED BY THE KING'S ATTORNEY

SIR FRANCIS BACON,

IN THE LOWER HOUSE,

WHEN THE HOUSE WAS IN GREAT HEAT, AND MUCH TROUBLED ABOUT THE UNDERTAKERS;

WHICH WERE THOUGHT TO BE SOME ABLE AND FORWARD GENTLEMEN; WHO, TO INGRATIATE THEMSELVES WITH THE KING, WERE SAID TO HAVE UNDERTAKEN, THAT THE KING'S BUSINESS SHOULD PASS IN THAT HOUSE AS HIS MAJESTY COULD WISH.

[IN THE PARLIAMENT 12 JACOBI.]

MR. SPEAKER,

I HAVE been hitherto silent in this matter of undertaking, wherein, as I perceive, the house is much enwrapped.

First, because, to be plain with you, I did not well understand what it meant, or what it was; and I do not love to offer at that, that I do not throughly conceive. That private men should undertake for the commons of England! why, a man might as well undertake for the four elements. It is a thing so giddy, and so vast, as cannot enter into the brain of a sober man: and especially in a new parliament; when it was impossible to know who should be of the parliament: and when all men, that know never so little the constitution of this house, do know it to be so open to reason, as men do not know when they enter into these doors what mind themselves will be of, until they hear things argued and debated. Much less can any man make a policy of assurance, what ship shall come safe home into the harbour in these seas. I had heard of undertakings in several kinds. There were undertakers for the plantations of Derry and Colerane in Ireland, the better to command and bridle those parts. There were, not long ago, some undertakers for the north-west passage: and now there are some undertakers for the project of dyed and dressed cloths; and, in short, every novelty useth to be strengthened and made good by a kind of undertaking: but for the ancient parliament of England, which moves in a certain manner and sphere, to be undertaken, it passes my reach to conceive what it should be. Must we be all dyed and dressed, and no pure whites amongst us? Or must there be a new passage found for the king's business by a point of the compass that was never sailed by before? Or must there be some forts built in this house that may command and contain the rest? Mr. Speaker, I know but two forts in this house which the king ever hath; the fort of affection, and the fort of reason: the one commands the hearts, and the other commands the heads; and others I know none. I think Æsop was a wise man that described the nature of a fly that sat upon the spoke of a chariot wheel, and said to herself, "What a dust do I raise?" So, for my part, I think that all this dust is raised by light rumours and buzzes, and not upon any solid ground.

The second reason that made me silent was, because this suspicion and rumour of undertaking settles upon no person certain. It is like the birds of Paradise that they have in the Indies, that have no feet; and therefore they never light upon any place, but the wind carries them away: and such a thing do I take this rumour to be.

And lastly, when that the king had in his two several speeches freed us from the main of our fears, in affirming directly that there was no undertaking to him; and that he would have taken it to be no less derogation to his own majesty than to our merits, to have the acts of his people transferred to particular persons; that did quiet me thus far, that these vapours were not gone up to the head, howsoever they might glow and estuate in the body.

Nevertheless, since I perceive that this cloud still hangs over the house, and that it may do hurt, as well in fame abroad as in the king's ear, I resolved with myself to do the part of an honest voice in this house, to counsel you what I think to be for the best.

Wherein first, I will speak plainly of the pernicious effects of the accident of this bruit and opinion of undertaking, towards particulars, towards the house, towards the king, and towards the people.

Secondly, I will tell you, in mine opinion, what undertaking is tolerable, and how far it may be justified with a good mind; and on the other side, this same ripping up of the question of undertakers, how far it may proceed from a good mind, and in what kind it may be thought malicious and dangerous.

Thirdly, I will give you my poor advice, what means there are to put an end to this question of undertaking; not falling for the present upon a precise opinion, but breaking it, how many ways there be by which you may get out of it, and leaving the choice of them to a debate at the committee.

And lastly, I will advise you how things are to

be handled at the committee, to avoid distraction and loss of time.

For the first of these, I can say to you but as the Scripture saith, "Si invicem mordetis, ab invicem consumemini;" if ye fret and gall one another's reputation, the end will be, that every man shall go hence, like coin cried down, of less price than he came hither. If some shall be thought to fawn upon the king's business openly, and others to cross it secretly, some shall be thought practisers that would pluck the cards, and others shall be thought papists that would shuffle the cards; what a misery is this, that we should come together to fool one another, instead of procuring the public good!

And this ends not in particulars, but will make the whole house contemptible: for now I hear men say, that this question of undertaking is the predominant matter of this house. So that we are now according to the parable of Jotham in the case of the trees of the forest, that when question was, Whether the vine should reign over them? that might not be: and whether the olive should reign over them? that might not be: but we have accepted the bramble to reign over us. For it seems that the good vine of the king's graces, that is not so much in esteem; and the good oil, whereby we should salve and relieve the wants of the estate and crown, that is laid aside too; and this bramble of contention and emulation, this Abimelech, which, as was truly said by an understanding gentleman, is a bastard, for every fame that wants a head, is filius populi, this must reign and rule amongst us.

Then for the king, nothing can be more opposite, ex diametro, to his ends and hopes, than this: for you have heard him profess like a king, and like a gracious king, that he doth not so much respect his present supply, as this demonstration that the people's hearts are more knit to him than before. Now then if the issue shall be this, that whatsoever shall be done for him shall be thought to be done but by a number of persons that shall be laboured and packed; this will rather be a sign of diffidence and alienation, than of a natural benevolence and affection in his people at home; and rather matter of disreputation, than of honour abroad. So that, to speak plainly to you, the king were better call for a new pair of cards, than play upon these if they be packed.

And then for the people, it is my manner ever to look as well beyond a parliament as upon a parliament; and if they abroad shall think themselves betrayed by those that are their deputies and attorneys here, it is true we may bind them and conclude them, but it will be with such murmur and insatisfaction as I would be loth to see.

These things might be dissembled, and so things left to bleed inwards; but that is not the way to cure them. And therefore I have searched the sore, in hope that you will endeavour the medicine.

But this to do more throughly, I must proceed to my second part, to tell you clearly and distinctly what is to be set on the right hand, and what on the left, in this business.

First, if any man hath done good offices to advise the king to call a parliament, and to increase the good affections and confidence of his Majesty towards his people; I say, that such person doth rather merit well, than commit any error. Nay farther, if any man hath, out of his own good mind, given an opinion touching the mind of the parliament in general; how it is probable they are like to be found, and that they will have a due feeling of the king's wants, and will not deal drily or illiberally with him; this man, that doth but think of other men's minds as he finds his own, is not to be blamed. Nay farther, if any man hath coupled this with good wishes and propositions, that the king do comfort the hearts of his people, and testify his own love to them, by filing off the harshness of his prerogative, retaining the substance and strength; and to that purpose, like the good housekeeper in the Scripture, that brought forth old store and new, hath revolved the petitions and propositions of the last parliament, and added new; I say, this man hath sown good seed; and he that shall draw him into envy for it, sows tares. Thus much of the right hand. But on the other side, if any shall mediately or immediately infuse into his Majesty, or to others, that the parliament is, as Cato said of the Romans, "like sheep, that a man were better drive a flock of them than one of them:" and however they may be wise men severally, yet in this assembly they are guided by some few, which if they be made sure assured, the rest will easily follow: this is a plain robbery of the king of honour, and his subjects of thanks, and it is to make the parliament vile and servile in the eyes of their sovereign; and I count it no better than a supplanting of the king and kingdom. Again, if a man shall make this impression, that it shall be enough for the king to send us some things of show that may serve for colours, and let some eloquent tales be told of them, and that will serve ad faciendum populum; any such person will find that this house can well skill of false lights, and that it is no wooing tokens, but the true love already planted in the breasts of the subjects, that will make them do for the king. And this is my opinion touching those that may have persuaded a parliament. Take it on the other side, for I mean in all things to deal plainly, if any man hath been diffident touching the call of a parliament, thinking that the best means were, first for the king to make his utmost trial to subsist of himself, and his own means; I say, an honest and faithful heart might consent to that opinion, and the event, it seems, does not greatly discredit it hitherto. Again, if any man shall have been of opinion, that it is not a particular party that can bind the house; nor that it is mere shows or colours can please the house; I say, this man, though his speech tend to discouragement, yet it is coupled with providence. But, by your leave, if any man, since the parliament was called, or when it was in speech, shall have laid plots to cross the good will of the parliament to the king, by possessing them that a few shall have the thanks, and that they are, as it were, bought and sold, and betrayed; and that that which the king offers them are but baits prepared by particular persons; or have raised rumours that it is a packed parliament; to

the end nothing may be done, but that the parliament may be dissolved, as gamesters used to call for new cards, when they mistrust a pack: I say, these are engines and devices, naught, malign, and seditious.

Now for the remedy; I shall rather break the matter, as I said in the beginning, than advise positively. I know but three ways. Some message of declaration to the king; some entry or protestation amongst ourselves; or some strict and punctual examination. As for the last of these, I assure you I am not against it, if I could tell where to begin, or where to end. For certainly I have often seen it, that things when they are in smother trouble more than when they break out. Smoke blinds the eyes, but when it blazeth forth into flame it gives light to the eyes. But then if you fall to an examination, some person must be charged, some matter must be charged; and the manner of that matter must be likewise charged; for it may be in a good fashion, and it may be in a bad, in as much difference as between black and white: and then how far men will ingenuously confess, how far they will politicly deny, and what we can make and gather upon their confession, and how we shall prove against their denial; it is an endless piece of work, and I doubt that we shall grow weary of it.

For a message to the king, it is the course I like best, so it be carefully and considerately handled: for if we shall represent to the king the nature of this body as it is, without the veils and shadows that have been cast upon it, I think we shall do him honour, and ourselves right.

For any thing that is to be done amongst ourselves, I do not see much gained by it, because it goes no farther than ourselves; yet if any thing can be wisely conceived to that end, I shall not be against it; but I think the purpose of it is fittest to be, rather that the house conceives that all this is but a misunderstanding, than to take knowledge that there is indeed a just ground, and then to seek, by a protestation, to give it a remedy. For protestations, and professions, and apologies, I never found them very fortunate; but they rather increase suspicion than clear it.

Why then the last part is, that these things be handled at the committee seriously and temperately; wherein I wish that these four degrees of questions were handled in order.

First, whether we shall do any thing at all in it, or pass by it, and let it sleep?

Secondly, whether we shall enter into a particular examination of it?

Thirdly, whether we shall content ourselves with some entry or protestation among ourselves?

And fourthly, whether we shall proceed to a message to the king; and what?

Thus I have told you my opinion. I know it had been more safe and politic to have been silent; but it is perhaps more honest and loving to speak. The old verse is, Nam nulli tacuisse nocet, nocet esse locutum. But by your leave, David saith, Silui a bonis, et dolor meus renovatus est. When a man speaketh, he may be wounded by others; but if he holds his peace from good things he wounds himself. So I have done my part, and leave it to you to do that which you shall judge to be the best.

HIS LORDSHIP'S SPEECH

IN THE PARLIAMENT,

BEING LORD CHANCELLOR,

TO

THE SPEAKER'S EXCUSE.

Mr. Serjeant Richardson,

The king hath heard and observed your grave and decent speech, tending to the excuse and disablement of yourself for the place of Speaker. In answer whereof, his Majesty hath commanded me to say to you, that he doth in no sort admit of the same.

First, Because if the party's own judgment should be admitted in case of elections, touching himself, it would follow, that the most confident and overweening persons would be received; and the most considerate men, and those that understand themselves best, would be rejected.

Secondly, His Majesty doth so much rely upon the wisdoms and discretions of those of the house of commons, that have chosen you with an unanimous consent, that his Majesty thinks not good to swerve from their opinion in that wherein themselves are principally interested.

Thirdly, You have disabled yourself in so good and decent a fashion, as the manner of your speech hath destroyed the matter of it.

And therefore the king doth allow of the election, and admit you for speaker.

TO THE SPEAKER'S ORATION.

MR. SPEAKER,

The king hath heard and observed your eloquent discourse, containing much good matter, and much good will: wherein you must expect from me such an answer only as is pertinent to the occasion, and compassed by due respect of time.

I may divide that which you have said into four parts.

The first was a commendation, or laudative of monarchy.

The second was indeed a large field, containing a thankful acknowledgment of his Majesty's benefits, attributes, and acts of government.

The third was some passages touching the institution and use of parliaments.

The fourth and last was certain petitions to his Majesty on the behalf of the house and yourself.

For your commendation of monarchy, and preferring it before other estates, it needs no answer: the schools may dispute it; but time hath tried it, and we find it to be the best. Other states have curious frames soon put out of order: and they that are made fit to last, are not commonly fit to grow or spread: and contrariwise those that are made fit to spread and enlarge, are not fit to continue and endure. But monarchy is like a work of nature, well composed both to grow and continue. From this I pass.

For the second part of your speech, wherein you did with no less truth than affection acknowledge the great felicity which we enjoy by his Majesty's reign and government, his Majesty hath commanded me to say unto you, that praises and thanksgivings he knoweth to be the true oblations of hearts and loving affections: but that which you offer him he will join with you, in offering it up to God, who is the author of all good; who knoweth also the uprightness of his heart; who he hopeth will continue and increase his blessings both upon himself and posterity, and likewise upon his kingdoms and the generations of them.

But I for my part must say unto you, as the Grecian orator said long since in the like case: "Solus dignus harum rerum laudator tempus;" Time is the only commender and encomiastic worthy of his Majesty and his government.

Why time? For that in the revolution of so many years and ages, as have passed over this kingdom, notwithstanding, many noble and excellent effects were never produced until his Majesty's days, but have been reserved as proper and peculiar unto them.

And because this is no part of a panegyric, but merely story, and that they be so many articles of honour fit to be recorded, I will only mention them, extracting part of them out of that you, Mr. Speaker, have said; they be in number eight.

First, His Majesty is the first, as you noted it well, that hath laid lapis angularis, the corner-stone of these two mighty kingdoms of England and Scotland, and taken away the wall of separation: whereby his Majesty is become the monarch of the most puissant and military nations of the world; and, if one of the ancient wise men was not deceived, iron commands gold.

Secondly, The plantation and reduction to civility of Ireland, the second island of the ocean Atlantic, did by God's providence wait for his Majesty's times; being a work resembling indeed the works of the ancient heroes: no new piece of that kind in modern times.

Thirdly, This kingdom now first in his Majesty's times hath gotten a lot or portion in the new world by the plantation of Virginia and the Summer Islands. And certainly it is with the kingdoms on earth as it is in the kingdom of heaven: sometimes a grain of mustard-seed proves a great tree. Who can tell?

Fourthly, His Majesty hath made that truth which was before titulary, in that he hath verified the style of Defender of the Faith: wherein his Majesty's pen hath been so happy, as though the deaf adder will not hear, yet he is charmed that he does not hiss. I mean in the graver sort of those that have answered his Majesty's writings.

Fifthly, It is most certain, that since the conquest ye cannot assign twenty years, which is the time that his Majesty's reign now draws fast upon, of inward and outward peace. Insomuch, as the time of queen Elizabeth, of happy memory, and always magnified for a peaceable reign, was nevertheless interrupted the first twenty years with a rebellion in England; and both first and last twenty years with rebellions in Ireland. And yet I know, that his Majesty will make good both his words, as well that of "Nemo me lacessit impune," as that other of "Beati pacifici."

Sixthly, That true and primitive office of kings, which is, to sit in the gate and to judge the people, was never performed in like perfection by any of the king's progenitors: whereby his Majesty hath showed himself to be lex loquens, and to sit upon the throne, not as a dumb statue, but as a speaking oracle.

Seventhly, For his Majesty's mercy, as you noted it well, show me a time wherein a king of this realm hath reigned almost twenty years, as I said, in his white robes without the blood of any peer of this kingdom: the axe turned once or twice towards a peer, but never struck.

Lastly, The flourishing of arts and sciences recreated by his Majesty's countenance and bounty, was never in that height, especially that art of arts, divinity; for that we may truly to God's great glory confess, that since the primitive times, there were never so many stars, for so the Scripture calleth them, in that firmament.

These things, Mr. Speaker, I have partly chosen out of your heap, and are so far from being vulgar, as they are in effect singular and proper to his Majesty and his times. So that I have made good, as I take it, my first assertion: that the only worthy commender of his Majesty is time: which hath so set off his Majesty's merits by the shadow of comparison, as it passeth the lustre or commendation of words.

How then shall I conclude? Shall I say, "O fortunatos nimium sua si bona norint?" No, for I

see ye are happy in enjoying them, and happy again in knowing them. But I will conclude this part with that saying, turned to the right hand: "Si gratum dixeris, omnia dixeris." Your gratitude contains in a word all that I can say to you touching this parliament.

Touching the third point of your speech, concerning parliaments, I shall need to say little: for there was never that honour done to the institution of parliament, that his Majesty did it in his last speech, making it in effect the perfection of monarchy; for that although monarchy was the more ancient, and be independent, yet by the advice and assistance of parliament it is the stronger and the surer built.

And therefore I shall say no more of this point: but as you, Mr. Speaker, did well note, that when the king sits in parliament, and his prelates, peers, and commons attend him, he is in the exaltation of his orb; so I wish things may be so carried, that he may be then in greatest serenity and benignity of aspect; shining upon his people both in glory and grace. Now you know well, that the shining of the sun fair upon the ground, whereby all things exhilarate and do fructify, is either hindered by clouds above or mists below; perhaps by brambles and briers that grow upon the ground itself. All which I hope at this time will be dispelled and removed.

I come now to the last part of your speech, concerning the petitions: but before I deliver his Majesty's answer respectively in particular, I am to speak to you some few words in general; wherein, in effect, I shall but glean, his Majesty having so excellently and fully expressed himself.

For that, that can be spoken pertinently, must be either touching the subject or matter of parliament business: or of the manner and carriage of the same; or lastly of the time, and the husbanding and marshalling of time.

For the matters to be handled in parliament, they are either of church, state, laws, or grievances.

For the first two, concerning church or state, ye have heard the king himself speak; and as the Scripture saith, "Who is he that in such things shall come after the king?" For the other two, I shall say somewhat, but very shortly.

For laws, they are things proper for your own element; and therefore therein ye are rather to lead than to be led. Only it is not amiss to put you in mind of two things; the one, that ye do not multiply or accumulate laws more than ye need. There is a wise and learned civilian that applies the curse of the prophet, "Pluet super eos laqueos," to multiplicity of laws: for they do but insnare and entangle the people. I wish rather, that ye should either revive good laws that are fallen and discontinued, or provide against the slack execution of laws which are already in force; or meet with the subtile evasions from laws which time and craft hath undermined, than to make novas creaturas legum, laws upon a new mould.

The other point, touching laws, is, that ye busy not yourselves too much in private bills, except it be in cases wherein the help and arm of ordinary justice is too short.

For grievances, his Majesty hath with great grace and benignity opened himself. Nevertheless, the limitations, which may make up your grievances not to beat the air only, but to sort to a desired effect, are principally two. The one, to use his Majesty's term, that ye do not hunt after grievances, such as may seem rather to be stirred here when ye are met, than to have sprung from th desires of the country: ye are to represent the people; ye are not to personate them.

The other, that ye do not heap up grievances, as if numbers should make a show where the weight is small; or, as if all things amiss, like Plato's commonwealth, should be remedied at once. It is certain, that the best governments, yea, and the best men, are like the best precious stones, wherein every flaw or icicle or grain are seen and noted more than in those that are generally foul and corrupted.

Therefore contain yourselves within that moderation as may appear to bend rather to the effectual ease of the people, than to a discursive envy, or scandal upon the state.

As for the manner of carriage of parliament business, ye must know, that ye deal with a king that hath been longer king than any of you have been parliament men; and a king that is no less sensible of forms than of matter; and is as far from enduring diminution of majesty, as from regarding flattery or vain-glory; and a king that understandeth as well the pulse of the hearts of people as his own orb. And therefore, both let your grievances have a decent and reverent form and style; and to use the words of former parliaments, let them be tanquam gemitus columbæ, without pique or harshness: and on the other side, in that ye do for the king, let it have a mark of unity, alacrity, and affection; which will be of this force, that whatsoever ye do in substance, will be doubled in reputation abroad, as in a crystal glass.

For the time, if ever parliament was to be measured by the hour-glass it is this; in regard of the instant occasion flying away irrecoverably. Therefore let your speeches in the house be the speeches of counsellors, and not of orators; let your committees tend to despatch, not to dispute; and so marshal the times as the public business, especially the proper business of the parliament, be put first, and private bills be put last, as time shall give leave, or within the spaces of the public.

For the four petitions, his Majesty is pleased to grant them all as liberally as the ancient and true custom of parliament doth warrant, and with the cautions that have ever gone with them; that is to say, That the privilege be not used for defrauding of creditors and defeating of ordinary justice: that liberty of speech turn not into licence, but be joined with that gravity and discretion, as may taste of duty and love to your sovereign, reverence to your own assembly, and respect to the matters ye handle: that your accesses be at such fit times, as may stand best with his Majesty's pleasure and occasions: that mistakings and misunderstandings be rather avoided and prevented, as much as may be, than salved or cleared.

OF THE

TRUE GREATNESS

OF THE

KINGDOM OF BRITAIN.

TO KING JAMES.

—— Fortunatos nimium sua si bona norint.

THE greatness of kingdoms and dominions in bulk and territory doth fall under measure and demonstration that cannot err: but the just measure and estimate of the forces and power of an estate is a matter, than the which there is nothing among civil affairs more subject to error, nor that error more subject to perilous consequence. For hence may proceed many inconsiderate attempts and insolent provocations in states that have too high an imagination of their own forces: and hence may proceed, on the other side, a toleration of many fair grievances and indignities, and a loss of many opportunities, in states that are not sensible enough of their own strength. Therefore, that it may the better appear what greatness your Majesty hath obtained of God, and what greatness this island hath obtained by you, and what greatness it is, that by the gracious pleasure of Almighty God you shall leave and transmit to your children and generations as the first founder; I have thought good, as far as I can comprehend, to make a true survey and representation of the greatness of this your kingdom of Britain; being for mine own part persuaded, that the supposed prediction, "Video solem orientem in occidente," may be no less a true vision applied to Britain, than to any other kingdom of Europe; and being out of doubt that none of the great monarchies, which in the memory of times have risen in the habitable world, had so fair seeds and beginnings as hath this your estate and kingdom, whatsoever the event shall be, which must depend upon the dispensation of God's will and providence, and his blessing upon your descendants. And because I have no purpose vainly or assentatorily to represent this greatness, as in water, which shows things bigger than they are, but rather, as by an instrument of art, helping the sense to take a true magnitude and dimension: therefore I will use no hidden order, which is fitter for insinuations than sound proofs, but a clear and open order. First by confuting the errors, or rather correcting the excesses of certain immoderate opinions, which ascribe too much to some points of greatness, which are not so essential, and by reducing those points to a true value and estimation: then by propounding and confirming those other points of greatness which are more solid and principal, though in popular discourse less observed: and incidently by making a brief application, in both these parts, of the general principles and positions of policy unto the state and conditions of these your kingdoms. Of these the former part will branch itself into these articles.

First, That in the measuring or balancing of greatness, there is commonly too much ascribed to largeness of territory.

Secondly, That there is too much ascribed to treasure or riches.

Thirdly, That there is too much ascribed to the fruitfulness of the soil, or affluence of commodities.

And fourthly, That there is too much ascribed to the strength and fortification of towns or holds.

The latter will fall into this distribution:

First, That true greatness doth require a fit situation of the place or region.

Secondly, That true greatness consisteth essentially in population and breed of men.

Thirdly, That it consisteth also in the value and military disposition of the people it breedeth: and in this that they make profession of arms.

Fourthly, That it consisteth in this point, that every common subject by the poll be fit to make a soldier, and not only certain conditions or degrees of men.

Fifthly, That it consisteth in the temper of the government fit to keep the subjects in good heart and courage, and not to keep them in the condition of servile vassals.

And sixthly, That it consisteth in the commandment of the sea.

And let no man so much forget the subject propounded, as to find strange, that here is no mention of religion, laws, or policy. For we speak of that which is proper to the amplitude and growth of states, and not of that which is common to their preservation, happiness, and all other points of well-being. First, therefore, touching largeness of terri-

tories, the true greatness of kingdoms upon earth is not without some analogy with the kingdom of heaven, as our Saviour describes it: which he doth resemble, not to any great kernel or nut, but to one of the least grains; but yet such a one, as hath a property to grow and spread. For as for large countries and multitude of provinces, they are many times rather matters of burden than of strength, as may manifestly appear both by reason and example. By reason thus. There be two manners of securing of large territories, the one by the natural arms of every province, and the other by the protecting arms of the principal estate, in which case commonly the provincials are held disarmed. So are there two dangers incident unto every estate, foreign invasion, and inward rebellion. Now such is the nature of things, that these two remedies of estate do fall respectively into these two dangers, in case of remote provinces. For if such an estate rest upon the natural arms of the provinces, it is sure to be subject to rebellion or revolt; if upon protecting arms, it is sure to be weak against invasion: neither can this be avoided.

Now for examples, proving the weakness of states possessed of large territories, I will use only two, eminent and selected. The first shall be of the kingdom of Persia, which extended from Egypt, inclusive, unto Bactria, and the borders of the East India; and yet nevertheless was overrun and conquered, in the space of seven years, by a nation not much bigger than this isle of Britain, and newly grown into name, having been utterly obscure till the time of Philip the son of Amyntas. Neither was this effected by any rare or heroical prowess in the conqueror, as is vulgarly conceived, for that Alexander the Great goeth now for one of the wonders of the world; for those that have made a judgment grounded upon reason of estate, do find that conceit to be merely popular, for so Livy pronounceth of him, "Nihil aliud quam bene ausus vana contemnere." Wherein he judgeth of vastness of territory as a vanity that may astonish a weak mind, but no ways trouble a sound resolution. And those that are conversant attentively in the histories of those times, shall find that this purchase which Alexander made and compassed, was offered by fortune twice before to others, though by accident they went not through with it; namely, to Agesilaus, and Jason of Thessaly: for Agesilaus, after he had made himself master of most of the low provinces of Asia, and had both design and commission to invade the higher countries, was diverted and called home upon a war excited against his country by the states of Athens and Thebes, being incensed by their orators and counsellors, which were bribed and corrupted from Persia, as Agesilaus himself avouched pleasantly, when he said, That a hundred thousand archers of the king of Persia had driven him home: understanding it, because an archer was the stamp upon the Persian coin of gold. And Jason of Thessaly, being a man born to no greatness, but one that made a fortune of himself, and had obtained by his own vivacity of spirit, joined with the opportunities of time, a great army compounded of voluntaries and adventurers, to the terror of all Græcia, that continually expected where that cloud would fall; disclosed himself in the end, that his design was for an expedition into Persia, the same which Alexander not many years after achieved, wherein he was interrupted by a private conspiracy against his life, which took effect. So that it appeareth, as was said, that it was not any miracle of accident that raised the Macedonian monarchy, but only the weak composition of that vast state of Persia, which was prepared for a prey to the first resolute invader.

The second example that I will produce, is of the Roman empire, which had received no diminution in territory, though great in virtue and forces, till the time of Jovianus. For so it was alleged by such as opposed themselves to the rendering Nisibis upon the dishonourable retreat of the Roman army out of Persia. At which time it was avouched, that the Romans, by the space of 800 years, had never, before that day, made any cession or renunciation to any part of their territory, whereof they had once had a constant and quiet possession. And yet, nevertheless, immediately after the short reign of Jovianus, and towards the end of the joint reign of Valentinianus and Valens, which were his immediate successors, and much more in the times succeeding, the Roman empire, notwithstanding the magnitude thereof, became no better than a carcase whereupon all the vultures and birds of prey of the world did seize and ravin for many ages, for a perpetual monument of the essential difference between the scale of miles, and the scale of forces. And therefore, upon these reasons and examples, we may safely conclude, that largeness of territory is so far from being a thing inseparable from greatness of power, as it is many times contrariant and incompatible with the same. But to make a reduction of that error to a truth, it will stand thus, that then greatness of territory addeth strength, when it hath these four conditions:

First, That the territories be compacted, and not dispersed.

Secondly, That the region which is the heart and seat of the state be sufficient to support those parts, which are but provinces and additions.

Thirdly, That the arms or martial virtue of the state be in some degree answerable to the greatness of dominion.

And lastly, That no part or province of the state be utterly unprofitable, but do confer some use or service to the state.

The first of these is manifestly true, and scarcely needeth any explication. For if there be a state that consisteth of scattered points instead of lines, and slender lines instead of latitudes, it can never be solid, and in the solid figure is strength. But what speak we of mathematical principles? The reason of state is evident, that if the parts of an estate be disjoined and remote, and so be interrupted with the provinces of another sovereignty; they cannot possibly have ready succours in case of invasion, nor ready suppression in case of rebellion, nor ready recovery in case of loss or alienation by either of both means. And therefore we see what an endless work

the king of Spain hath had to recover the Low Countries, although it were to him patrimony and not purchase; and that chiefly in regard of the great distance. So we see that our nation kept Calais a hundred years' space after it lost the rest of France, in regard of the near situation; and yet in the end they that were nearer carried it by surprise, and overran succour.

Therefore Titus Quintius made a good comparison of the state of the Achaians to a tortoise, which is safe when it is retired within the shell, but if any part be put forth, then the part exposed endangereth all the rest. For so it is with states that have provinces dispersed, the defence whereof doth commonly consume and decay, and sometimes ruin the rest of the estate. And so likewise we may observe, that all the great monarchies, the Persians, the Romans, and the like of the Turks, they had not any provinces to the which they needed to demand access through the country of another: neither had they any long races or narrow angles of territory, which were environed or clasped in with foreign states; but their dominions were continued and entire, and had thickness and squareness in their orb or contents. But these things are without contradiction.

For the second, concerning the proportion between the principal region, and those which are but secondary, there must evermore distinction be made between the body or stem of the tree, and the boughs and branches. For if the top be over-great, and the stalk too slender, there can be no strength. Now, the body is to be accounted so much of an estate, as is not separated or distinguished with any mark of foreigners, but is united specially with the bond of naturalization; and therefore we see that when the state of Rome grew great, they were enforced to naturalize the Latins or Italians, because the Roman stem could not bear the provinces and Italy both as branches: and the like they were contented after to do to most of the Gauls. So on the contrary part, we see in the state of Lacedæmon, which was nice in that point, and would not admit their confederates to be incorporate with them, but rested upon their natural-born subjects of Sparta, how that a small time after they had embraced a larger empire, they were presently surcharged, in respect to the slenderness of the stem. For so in the defection of the Thebans and the rest against them, one of the principal revolters spake most aptly, and with great efficacy, in the assembly of the associates, telling them, That the state of Sparta was like a river, which after that it had run a great way, and taken other rivers and streams into it, ran strong and mighty, but about the head and fountain of it was shallow and weak; and therefore advised them to assail and invade the main of Sparta, knowing they should there find weak resistance either of towns or in the field: of towns, because upon confidence of their greatness they fortified not upon the main; in the field, because their people was exhaust by garrisons and services far off. Which counsel proved sound, to the astonishment of all Græcia at that time.

For the third, concerning the proportion of the military forces of a state to the amplitude of empi it cannot be better demonstrated than by the tw first examples, which we produced, of the weakne of large territory, if they be compared within the selves according to difference of time. For Per at a time was strengthened with large territor and at another time weakened; and so was Rom For while they flourished in arms, the largeness territory was a strength to them, and added force added treasures, added reputation: but when the decayed in arms, then greatness became a burde For their protecting forces did corrupt, supplan and enervate the natural and proper forces of a their provinces, which relied and depended upon th succours and directions of the state above. A when that waxed impotent and slothful, then th whole state laboured with her own magnitude, an in the end fell with her own weight. And that, a question, was the reason of the strange inundatio of people which both from the east and north-we overwhelmed the Roman empire in one age of th world, which a man upon the sudden would attr bute to some constellation or fatal revolution time, being indeed nothing else but the declinatio of the Roman empire, which having effeminate and made vile the natural strength of the province and not being able to supply it by the strength im perial and sovereign, did, as a lure cast abroad invite and entice all the nations adjacent, to mak their fortunes upon her decays. And by the same reason, there cannot but ensue a dissolution to the state of the Turk, in regard of the largeness of empire, whensoever their martial virtue and discipline shall be farther relaxed, whereof the time seemeth to approach. For certainly like as great stature in a natural body is some advantage in youth, but is but burden in age; so it is with great territory, which when a state beginneth to decline, doth make it stoop and buckle so much the faster.

For the fourth and last, it is true, that there is to be required and expected as in the parts of a body, so in the members of a state, rather propriety of service, than equality of benefit. Some provinces are more wealthy, some more populous, and some more warlike; some situate aptly for the excluding or expulsing of foreigners, and some for the annoying and bridling of suspected and tumultuous subjects; some are profitable in present, and some may be converted and improved to profit by plantations and good policy. And therefore true consideration of estate can hardly find what to reject, in matter of territory, in any empire, except it be some glorious acquests obtained sometime in the bravery of wars, which cannot be kept without excessive charge and trouble; of which kind were the purchases of king Henry VIII. that of Tournay; and that of Bologne; and of the same kind are infinite other the like examples almost in every war, which for the most part upon treaties of peace are restored.

Thus have we now defined where the largeness of territory addeth true greatness, and where not. The application of these positions unto the particular or supposition of this your Majesty's kingdom of Britain, requireth few words. For, as I professed in

beginning, I mean not to blazon or amplify, but r to observe and express matter.

First, Your Majesty's dominion and empire comhendeth all the islands of the north-west ocean, ere it is open, until you come to the imbarred and en sea, towards Iceland; in all which tract it h no intermixture or interposition of any foreign l, but only of the sea, whereof you are also olutely master.

Secondly, The quantity and content of these coun- s is far greater than have been the principal or damental regions of the greatest monarchies, ater than Persia proper, greater than Macedon, ater than Italy. So as here is potentially body stem enough for Nabuchodonosor's tree, if God uld have so ordained.

Thirdly, The prowess and valour of your subjects ible to master and wield far more territory than eth to their lot. But that followeth to be ken of in the proper place.

And lastly, It must be confessed, that whatsoever t of your countries and regions shall be counted meanest, yet is not inferior to those countries l regions, the people whereof some ages since ran the world. We see farther by the uniting the continent of this island, and the shutting up the postern, as it was not unfitly termed, all enance of foreigners is excluded: and we see again, t by the fit situation and configuration of the rth of Scotland towards the north of Ireland, reputation, commodity, and terror thereof, what d effects have ensued for the better quieting of troubles of Ireland. And so we conclude this t branch touching largeness of territory.

The second article was,

That there is too much ascribed to treasure or riches in the balancing of greatness.

Wherein no man can be ignorant of the idolatry at is generally committed in these degenerate es to money, as if it could do all things public d private: but leaving popular errors, this is likeise to be examined by reason and examples, and ch reason, as is no new conceit or invention, but th formerly been discerned by the sounder sort of dgments. For we see that Solon, who was no ntemplative wise man, but a statesman and a lawer, used a memorable censure to Crœsus, when showed him great treasures, and store of gold d silver that he had gathered, telling him, that hensoever another should come that had better on than he, he would be master of all his gold d silver. Neither is the authority of Machiavel be despised, specially in a matter whereof he saw e evident experience before his eyes in his own mes and country, who derideth the received and rrent opinion and principle of estate taken first rom a speech of Mutianus the lieutenant of Vespaian, That money was the sinews of war; affirming, hat it is a mockery, and that there are no other roe sinews of war, but the sinews and muscles of men's arms: and that there was never any war, herein the more valiant people had to deal with he more wealthy, but that the war, if it were well conducted, did nourish and pay itself. And had he not reason so to think, when he saw a needy and ill-provided army of the French, though needy rather by negligence than want of means, as the French manner oftentimes is, make their passage only by the reputation of their swords by their sides undrawn, thorough the whole length of Italy, at that time abounding in wealth after a long peace, and that without resistance, and to seize and leave what countries and places it pleased them? But it was not the experience of that time alone, but the records of all times that do concur to falsify that conceit, that wars are decided not by the sharpest sword, but by the greatest purse. And that very text or saying of Mutianus which was the original of this opinion, is misvouched, for his speech was, "Pecuniæ sunt nervi belli civilis," which is true, for that civil wars cannot be between people of differing valour; and again, because in them men are as oft bought as vanquished. But in case of foreign wars, you shall scarcely find any of the great monarchies of the world, but have had their foundations in poverty and contemptible beginnings, being in that point also conform to the heavenly kingdom, of which it is pronounced, "Regnum Dei non venit cum observatione." Persia, a mountainous country, and a poor people in comparison of the Medes and other provinces which they subdued. The state of Sparta, a state wherein poverty was enacted by law and ordinance; all use of gold and silver and rich furniture being interdicted. The state of Macedonia, a state mercenary and ignoble until the time of Philip. The state of Rome, a state that had poor and pastoral beginnings. The state of the Turks, which hath been since the terror of the world, founded upon a transmigration of some bands of Sarmatian Scythes, that descended in a vagabond manner upon the province that is now termed Turcomania; out of the remnants whereof, after great variety of fortune, sprang the Ottoman family. But never was any position of estate so visibly and substantially confirmed as this, touching the pre-eminence, yea and predominancy of valour above treasure, as by the two descents and inundations of necessitous and indigent people, the one from the east, and the other from the west, that of the Arabians or Saracens, and that of the Goths, Vandals, and the rest: who, as if they had been the true inheritors of the Roman empire, then dying, or at least grown impotent and aged, entered upon Ægypt, Asia, Græcia, Africk, Spain, France, coming to these nations, not as to a prey, but as to a patrimony; not returning with spoil, but seating and planting themselves in a number of provinces, which continue their progeny, and bear their names till this day. And all these men had no other wealth but their adventures, nor no other title but their swords, nor no other press but their poverty. For it was not with most of these people as it is in countries reduced to a regular civility, that no man almost marrieth except he see he have means to live; but population went on, howsoever sustentation followed, and taught by necessity, as some writers report, when they found themselves surcharged with people,

they divided their inhabitants into three parts, and one third, as the lot fell, was sent abroad and left to their adventures. Neither is the reason much unlike, though the effect hath not followed in regard of a special diversion, in the nation of the Swisses, inhabiting a country, which in regard of the mountainous situation, and the popular estate, doth generate faster than it can sustain. In which people, it well appeared what an authority iron hath over gold at the battle of Granson, at what time one of the principal jewels of Burgundy was sold for twelve pence, by a poor Swiss, that knew no more a precious stone than did Æsop's cock. And although this people have made no plantations with their arms, yet we see the reputation of them such, as not only their forces have been employed and waged, but their alliance sought and purchased, by the greatest kings and states of Europe. So as though fortune, as it fares sometimes with princes to their servants, hath denied them a grant of lands, yet she hath granted them liberal pensions, which are made memorable and renowned to all posterity, by the event which ensued to Louis the twelfth; who, being pressed uncivilly by message from them for the enhancing their pensions, entered into choler and broke out into these words, "What! will these villains of the mountains put a tax upon me?" which words cost him his duchy of Milan, and utterly ruined his affairs in Italy. Neither were it indeed possible at this day, that that nation should subsist without descents and impressions upon their neighbours, were it not for the great utterance of people which they make into the services of foreign princes and estates, thereby discharging not only number, but in that number such spirits as are most stirring and turbulent.

And therefore we may conclude, that as largeness of territory, severed from military virtue, is but a burden; so, that treasure and riches severed from the same is but a prey. It resteth therefore to make a reduction of this error also unto a truth by distinction and limitation, which will be in this manner:

Treasure and moneys do then add true greatness and strength to a state, when they are accompanied with these three conditions:

First, the same condition which hath been annexed to largeness of territory, that is, that they be joined with martial prowess and valour.

Secondly, That treasure doth then advance greatness, when it is rather in mediocrity than in great abundance. And again better, when some part of the state is poor, than when all parts of it are rich.

And lastly, That treasure in a state is more or less serviceable, as the hands are in which the wealth chiefly resteth.

For the first of these, it is a thing that cannot be denied, that in equality of valour the better purse is an advantage. For like as in wrestling between man and man, if there be a great overmatch in strength, it is to little purpose though one have the better breath; but, if the strength be near equal, then he that is short-winded will, if the wager consist of many falls, in the end have the worst; so it is in the wars, if it be a match between a valiant people and a cowardly, the advantage of treasure will not serve; but if they be near in valour, then the better moneyed state will be the better able to continue the war, and so in the end to prevail. But if any man think that money can make those provisions at the first encounters, that no difference of valour can countervail, let him look back but into those examples which have been brought, and he must confess, that all those furnitures whatsoever are but shows and mummeries, and cannot shroud fear against resolution. For there shall he find companies armed with armour of proof taken out of the stately armouries of kings who spared no cost, overthrown by men armed by private bargain and chance as they could get it: there shall be find armies appointed with horses bred of purpose, and in choice races, chariots of war, elephants, and the like terrors, mastered by armies meanly appointed. So of towns strongly fortified, basely yielded, and the like; all being but sheep in a lion's skin, where valour faileth.

For the second point, that competency of treasure is better than surfeit, is a matter of common place or ordinary discourse; in regard that excess of riches, neither in public nor private, ever hath any good effects, but maketh men either slothful and effeminate, and so no enterprisers; or insolent and arrogant, and so over-great embracers; but most generally cowardly and fearful to lose, according to the adage, "Timidus Plutus;" so as this needeth no farther speech. But a part of that assertion requireth a more deep consideration, being a matter not so familiar, but yet most assuredly true. For it is necessary in a state that shall grow and enlarge, that there be that composition which the poet speaks of, "Multis utile bellum:" an ill condition of a state, no question, if it be meant of a civil war, as it was spoken; but a condition proper to a state that shall increase, if it be taken of a foreign war. For except there be a spur in the state, that shall excite and prick them on to wars, they will but keep their own, and seek no farther. And in all experience and stories you shall find but three things that prepare and dispose an estate to war: the ambition of governors, a state of soldiers professed, and the hard means to live of many subjects. Whereof the last is the most forcible and the most constant. And this is the true reason of that event which we observed and rehearsed before, that most of the great kingdoms of the world have sprung out of hardness and scarceness of means, as the strongest herbs out of the barrenest soils.

For the third point, concerning the placing and distributing of treasure in a state, the position is simple; that then treasure is greatest strength to a state, when it is so disposed, as it is readiest and easiest to come by for public service and use: which one position doth infer three conclusions.

First, That there be quantity sufficient of treasure as well in the treasury of the crown or state, as in the purse of the private subject.

Secondly, That the wealth of the subject be rather in many hands than in few.

And thirdly, That it be in those hands, where there is likest to be the greatest sparing, and increase, and not in those hands, wherein there useth to be greatest expense and consumption.

For it is not the abundance of treasure in the subjects' hands that can make sudden supply of the want of a state; because reason tells us, and experience both, that private persons have least will to contribute when they have most cause; for when there is noise or expectation of wars, then is always the deadest times for moneys, in regard every man restraineth and holdeth fast his means for his own comfort and succour, according as Solomon saith, "The riches of a man are as a strong hold in his own imagination:" and therefore we see by infinite examples, and none more memorable than that of Constantinus the last emperor of the Greeks, and the citizens of Constantinople, that subjects do often choose rather to be frugal dispensers for their enemies, than liberal lenders to their prince. Again, whereseever the wealth of the subject is engrossed into few hands, it is not possible it should be so responsident and yielding to payments and contributions for the public, both because the true estimation or measurement of great wealth is more obscure and uncertain; and because the burden seemeth lighter when the charge lieth upon many hands; and farther, because the same greatness of wealth is for the most part not collected and obtained without sucking it from many, according to the received similitude of the spleen, which never swelleth but when the rest of the body pineth and abateth. And lastly, it cannot be that any wealth should leave a second overplus for the public that doth not first leave an overplus to the private stock of him that gathers it; and therefore nothing is more certain, than that those states are least able to aid and defray great charge for wars, or other public disbursements, whose wealth resteth chiefly in the hands of the nobility and gentlemen. For what by reason of their magnificence and waste in expense, and what by reason of their desire to advance and make great their own families, and again upon the coincidence of the former reason, because they are always the fewest; small is the help, as to payments or charge, that can be levied or expected from them towards the occasions of a state. Contrary it is of such states whose wealth resteth in the hands of merchants, burghers, tradesmen, freeholders, farmers in the country, and the like, whereof we have a most evident and present example before our eyes, in our neighbours of the Low Countries, who could never have endured and continued so inestimable and insupportable charge, either by their natural frugality or by their mechanical industry, were it not also that there was a concurrence in them of this last reason, which is, that their wealth was dispersed in many hands, and not engrossed into few; and those hands were not much of the nobility, but most and generally of inferior conditions.

To make application of this part concerning treasure to your Majesty's kingdoms:

First, I suppose I cannot err, that as to the endowment of your crown, there is not any crown of Europe, that hath so great a proportion of demesne and land revenue. Again, he that shall look into your prerogative shall find it to have as many streams to feed your treasury, as the prerogative of any of the said kings, and yet without oppression or taxing of your people. For they be things unknown in many other states, that all rich mines should be yours, though in the soil of your subjects; that all wardships should be yours, where a tenure in chief is, of lands held of your subjects; that all confiscations and escheats of treason should be yours, though the tenure be of the subject; that all actions popular, and the fines and casualties thereupon, may be informed in your name, and should be due unto you, and a moiety at the least where the subject himself informs. And farther, he that shall look into your revenues at the ports of the sea, your revenues in courts of justice, and for the stirring of your seals, the revenues upon your clergy, and the rest, will conclude, that the law of England studied how to make a rich crown, and yet without levies upon your subject. For merchandising, it is true, it was ever by the kings of this realm despised, as a thing ignoble and indign for a king, though it is manifest, the situation and commodities of this island considered, it is infinite, what your Majesty might raise, if you would do as a king of Portugal doth, or a duke of Florence, in matter of merchandise. As for the wealth of the subject:*

To proceed to the articles affirmative, the first was,

That the true greatness of an estate consisteth in the natural and fit situation of the region or place.

Wherein I mean nothing superstitiously touching the fortunes or fatal destiny of any places, nor philosophically touching their configuration with the superior globe. But I understand proprieties and respects merely civil and according to the nature of human actions, and the true considerations of estate. Out of which duly weighed, there doth arise a triple distribution of the fitness of a region for a great monarchy. First, that it be of hard access. Secondly, that it be seated in no extreme angle, but commodiously in the midst of many regions. And thirdly, that it be maritime, or at the least upon great navigable rivers; and be not inland or mediterrane. And that these are not conceits, but notes of event, it appeareth manifestly, that all great monarchies and states have been seated in such manner, as, if you would place them again, observing these three points which I have mentioned, you cannot place them better; which shows the pre-eminence of nature, unto which human industry or accident cannot be equal, specially in any continuance of time. Nay, if a man look into these things more attentively, he shall see divers of these seats of monarchies, how fortune hath hovered still about the places, coming and going only in regard of the fixed reason of the conveniency of the place, which is immutable. And therefore, first we see the excellent situation of

* Memorandum, Here was a blank side left, to continue the sense.

Ægypt; which seemeth to have been the most ancient monarchy, how conveniently it stands upon a neck of land commanding both seas on either side, and embracing, as it were with two arms, Asia and Africk, besides the benefit of the famous river of Nilus. And therefore we see what hath been the fortune of that country, there having been two mighty returns of fortune, though at great distance of time; the one in the times of Sesostris, and the other in the empire of the Mamalukes, besides the middle greatness of the kingdom of the Ptolemies, and of the greatness of the caliphs and sultans in the latter times. And this region, we see likewise, is of strait and defensible access, being commonly called of the Romans, *Claustra Ægypti*.* Consider in like manner the situation of Babylon, being planted most strongly in regard of lakes and overflowing grounds between the two great navigable rivers of Euphrates and Tigris, and in the very heart of the world: having regard to the four *cardines* of east and west and northern and southern regions. And therefore we see, that although the sovereignty alter, yet the seat still of the monarchy remains in that place. For after the monarchies of the kings of Assyria, which were natural kings of that place, yet when the foreign kings of Persia came in, the seat remained. For although the mansion of the persons of the kings of Persia were sometimes at Susa, and sometimes at Ecbatana, which were termed their winter and their summer parlours, because of the mildness of the air in the one, and the freshness in the other; yet the city of estate continued to be Babylon. Therefore we see, that Alexander the Great, according to the advice of Calanus the Indian, that showed him a bladder, which, if it we[illegible] borne down at one end, would rise at the other, a[illegible] therefore wished him to keep himself in the midd[illegible] of his empire, chose accordingly Babylon for h[illegible] seat, and died there. And afterwards likewise [illegible] the family of Seleucus and his descendants, kings [illegible] the east, although divers of them, for their ow[illegible] glory, were founders of cities of their own name[illegible] as Antiochia, Seleucia, and divers others, whic[illegible] they sought by all means to raise and adorn, yet t[illegible] greatness still remained according unto nature wi[illegible] the ancient seat. Nay, further on, the same r[illegible] mained during the greatness of the kings of Parthi[illegible] as appeareth by the verse of Lucan, who wrote i[illegible] Nero's time.

Cumque superba staret Babylon spolianda tropha[illegible]

And after that, again it obtained the seat of t[illegible] highest caliph or successors of Mahomet. And [illegible] this day, that which they call Bagdat, which jo[illegible] to the ruin of the other, containeth one of the gre[illegible] est satrapies of the Levant. So again Persi[illegible] being a country imbarred with mountains, open [illegible] the seas, and the middle of the world, we see ha[illegible] had three memorable revolutions of great mo[illegible] archies. The first in the time of Cyrus; th[illegible] second in the time of the new Artaxerxes, wh[illegible] raised himself in the reign of Alexander Severu[illegible] emperor of Rome; and now of late memory, [illegible] Ismael the sophy, whose descendants continue [illegible] empire and competition with the Turks to this day[illegible]

So again Constantinople, being one of the mo[illegible] excellentest seats of the world, in the confines [illegible] Europe and Asia.

ADVICE TO SIR GEORGE VILLIERS,

AFTERWARDS DUKE OF BUCKINGHAM,

WHEN HE BECAME FAVOURITE TO KING JAMES;

RECOMMENDING MANY IMPORTANT INSTRUCTIONS HOW TO GOVERN HIMSELF IN THE STATION OF PRIME MINISTER.

WRITTEN BY SIR FRANCIS BACON, ON THE IMPORTUNITY OF HIS PATRON AND FRIEND.

NOBLE SIR,

WHAT you requested of me by word, when I last waited on you, you have since renewed by your letters. Your requests are commands unto me; and yet the matter is of that nature, that I find myself very unable to serve you therein as you desire. It hath pleased the king to cast an extraordinary eye of favour upon you, and you express yourself very desirous to win upon the judgment of your master, and not upon his affections only. I do very much commend your noble ambition herein; for favour [illegible] bottomed is like to be lasting; whereas, if it be built but upon the sandy foundation of personal respects only, it cannot be long-lived.

[My lord, when the blessing of God, to whom in the first place I know you ascribe your preferment, and the king's favour, purchased by your noble parts, promising as much as can be expected from a gentleman, had brought you to

What is found in crotchets is borrowed from the original edition published in the 1692.

* Mem. To add the reasons of the three properties.

this high pitch of honour, to be in the eye, and ear, and even in the bosom of your gracious master; and you had found by experience the trouble of all men's confluence, and for all matters, to yourself, as a mediator between them and their sovereign, you were pleased to lay this command upon me: first in general, to give you my poor advice for your carriage in so eminent a place, and of so much danger if not wisely discharged: next in particular by what means to give despatches to suitors of all sorts, for the king's best service, the suitors' satisfaction, and your own ease. I humbly return you mine opinion in both these, such as a hermit rather than a courtier can render.]

Yet in this you have erred, in applying yourself to me, the most unworthy of your servants, to give assistance upon so weighty a subject.

You know, I am no courtier, nor versed in state affairs; my life, hitherto, hath rather been contemplative than active; I have rather studied books than men; I can but guess, at the most, at these things, in which you desire to be advised: nevertheless, to show my obedience, though with the hazard of my discretion, I shall yield unto you.

Sir, in the first place, I shall be bold to put you in mind of the present condition you are in; you are not only a courtier, but a bed-chamber man, and so are in the eye and ear of your master: but you are also a favourite; the favourite of the time, and so are in his bosom also; the world hath so voted you, and doth so esteem of you: for kings and great princes, even the wisest of them, have had their friends, their favourites, their privadoes, in all ages; for they have their affections as well as other men. Of these they make several uses: sometimes to communicate and debate their thoughts with them, and to ripen their judgments thereby; sometimes to ease their cares by imparting them; and sometimes to interpose them between themselves and the envy or malice of their people; for kings cannot err, that must be discharged upon the shoulders of their ministers; and they who are nearest unto them must be content to bear the greatest load. [Remember then what your true condition is: the king himself is above the reach of his people, but cannot be above their censures; and you are his shadow, if either he commit an error, and is loth to avow it, but excuses it upon his ministers, of which you are first in the eye; or you commit the fault or have willingly permitted it, and must suffer for it: and so perhaps you may be offered a sacrifice to appease the multitude.] But truly, Sir, I do not believe or suspect that you are chosen to this eminency, out of the last of these considerations; for you serve such a master, who by his wisdom and goodness is as free from the malice or envy of his subjects, as I think, I may truly say, ever any king was, who hath sat upon his throne before him: but I am confident, his Majesty hath cast his eyes upon you, as finding you to be such as you should be, or hoping to make you to be such as he would have you to be; for this I may say, without flattery, your outside promiseth as much as can be expected from a gentleman: but be it in the one respect or other, it belongeth to you to take care of yourself, and to know well what the name of a favourite signifies. If you be chosen upon the former respects, you have reason to take care of your actions and deportment, out of your gratitude, for the king's sake; but if out of the latter, you ought to take the greater care for your own sake.

You are as a new-risen star, and the eyes of all men are upon you; let not your own negligence make you fall like a meteor.

[Remember well the great trust you have undertaken; you are as a continual centinel, always to stand upon your watch to give him true intelligence. If you flatter him, you betray him; if you conceal the truth of those things from him which concern his justice or his honour, although not the safety of his person, you are as dangerous a traitor to his state, as he that riseth in arms against him. A false friend is more dangerous than an open enemy: kings are styled gods upon earth, not absolute, but "Dixi, dii estis;" and the next words are, "sed moriemini sicut homines;" they shall die like men, and then all their thoughts perish. They cannot possibly see all things with their own eyes, nor hear all things with their own ears; they must commit many great trusts to their ministers. Kings must be answerable to God Almighty, to whom they are but vassals, for their actions, and for their negligent omissions: but the ministers to kings, whose eyes, ears, and hands they are, must be answerable to God and man for the breach of their duties, in violation of their trusts, whereby they betray them. Opinion is a master wheel in these cases: that courtier who obtained a boon of the emperor, that he might every morning at his coming into his presence humbly whisper him in the ear and say nothing, asked no unprofitable suit for himself: but such a fancy raised only by opinion cannot be long-lived, unless the man have solid worth to uphold it; otherwise when once discovered it vanisheth suddenly. But when a favourite in court shall be raised upon the foundation of merits, and together with the care of doing good service to the king, shall give good despatches to the suitors, then can he not choose but prosper.]

The contemplation then of your present condition must necessarily prepare you for action: what time can be well spared from your attendance on your master, will be taken up by suitors, whom you cannot avoid nor decline without reproach. For if you do not already, you will soon find the throng of suitors attend you; for no man, almost, who hath to do with the king, will think himself safe, unless you be his good angel, and guide him; or at least that you be not a malus genius against him: so that, in respect of the king your master, you must be very wary that you give him true information; and if the matter concern him in his government, that you do not flatter him: if you do, you are as great a traitor to him in the court of heaven, as he that draws his sword against him: and in respect of the suitors which shall attend you, there is nothing will bring you more honour and more ease, than to do them what right in justice you may, and with as much

speed as you may: for believe it, Sir, next to the obtaining of the suit, a speedy and gentle denial, when the case will not bear it, is the most acceptable to suitors: they will gain by their despatch; whereas else they shall spend their time and money in attending; and you will gain, in the ease you will find in being rid of their importunity. But if they obtain what they reasonably desired, they will be doubly bound to you for your favour; "Bis dat qui cito dat," it multiplies the courtesy, to do it with good words and speedily.

That you may be able to do this with the best advantage, my humble advice is this: when suitors come unto you, set apart a certain hour in a day to give them audience: if the business be light and easy, it may by word only be delivered, and in a word be answered; but if it be either of weight or of difficulty, direct the suitor to commit it to writing, if it be not so already, and then direct him to attend for his answer at a set time to be appointed, which would constantly be observed, unless some matter of great moment do interrupt it. When you have received the petitions, and it will please the petitioners well, to have access unto you to deliver them into your own hand, let your secretary first read them, and draw lines under the material parts thereof; for the matter, for the first part, lies in a narrow room. The petitions being thus prepared, do you constantly set apart an hour in a day to peruse those petitions; and after you have ranked them into several files, according to the subject matter, make choice of two or three friends, whose judgments and fidelities you believe you may trust in a business of that nature; and recommend it to one or more of them, to inform you of their opinions, and of their reasons for or against the granting of it. And if the matter be of great weight indeed, then it would not be amiss to send several copies of the same petition to several of your friends, the one not knowing what the other doth, and desire them to return their answers to you by a certain time, to be prefixed, in writing; so shall you receive an impartial answer, and by comparing the one with the other, as out of responsa prudentium, you shall both discern the abilities and faithfulness of your friends, and be able to give a judgment thereupon as an oracle. But by no means trust to your own judgment alone; for no man is omniscient: nor trust only to your servants, who may mislead you or misinform you; by which they may perhaps gain a few crowns, but the reproach will lie upon yourself, if it be not rightly carried.

For the facilitating of your despatches, my advice is farther, that you divide all the petitions, and the matters therein contained, under several heads: which, I conceive, may be fitly ranked into these eight sorts.

I. Matters that concern religion, and the church and churchmen.

II. Matters concerning justice, and the laws, and the professors thereof.

III. Councillors, and the council table, and the great offices and officers of the kingdom.

IV. Foreign negotiations and embassies.

V. Peace and war, both foreign and civil, and that the navy and forts, and what belongs to the

VI. Trade at home and abroad.

VII. Colonies, or foreign plantations.

VIII. The court and curiality.

And whatsoever will not fall naturally under o of these heads, believe me, Sir, will not be wort of your thoughts, in this capacity, we now speak And of these sorts, I warrant you, you will fi enough to keep you in business.

I begin with the first, which concerns religio

1. In the first place be you yourself rightly p suaded and settled in the true protestant religi professed by the church of England; which dou less is as sound and orthodox in the doctrine there as any christian church in the world.

[For religion, if any thing be offered to y touching it, or touching the church, or churchm or church government, rely not only upon your but take the opinion of some grave and emin divines, especially such as are sad and discreet m and exemplary for their lives.]

2. In this you need not be a monitor to y gracious master the king: the chiefest of his im rial titles is, to be the Defender of the Faith, a his learning is eminent, not only above other princ but above other men; be but his scholar, and y are safe in that.

[If any question be moved concerning the doctri of the church of England expressed in the thir nine articles, give not the least ear to the mov thereof: that is so soundly and so orthodoxly settle as cannot be questioned without extreme danger the honour and stability of our religion; which ha been sealed with the blood of so many martyrs a confessors, as are famous through the christian wor The enemies and underminers thereof are the Romi catholics, so styling themselves, on the one han whose tenets are inconsistent with the truth of re gion professed and protested by the church of En land, whence we are called protestants; and th anabaptists, and separatists, and sectaries on th other hand, whose tenets are full of schism, a inconsistent with monarchy: for the regulating either, there needs no other coercion than th due execution of the laws already established b parliament.]

3. For the discipline of the church of England b bishops, &c. I will not positively say, as some d that it is jure divino; but this I say and think animo, that it is the nearest to apostolical truth; a confidently I shall say, it is fittest for monarchy all others. I will use no other authority to y than that excellent proclamation set out by the kin himself in the first year of his reign, and annex before the book of Common-Prayer, which I desir you to read; and if at any time there should be th least motion made for innovation, to put the king mind to read it himself: it is most dangerous in state, to give ear to the least alterations in governme

[If any attempt be made to alter the discipline our church, although it be not an essential part o our religion, yet it is so necessary not to be rash

bered, as the very substance of religion will be nterested in it: therefore I desire you before any ttempt be made of an innovation by your means, or y any intercession to your master, that you will first ead over, and his Majesty call to mind, that wise nd weighty proclamation, which himself penned, nd caused to be published in the first year of his ign, and is prefixed in print before the book of ommon-Prayer, of that impression, in which you ill find so prudent, so weighty reasons, not to rken to innovations, as will fully satisfy you, that s dangerous to give the least ear to such innovas; but it is desperate to be misled by them: and settle your judgment, mark but the admonition of e wisest of men, king Solomon, Prov. xxiv. 21. My son, fear God and the king, and meddle not ith those who are given to change."]

4. Take heed, I beseech you, that you be not an strument to countenance the Romish catholics. I not flatter, the world believes that some near in ood to you are too much for that persuasion; you st use them with fit respects, according to the nds of nature: but you are of kin, and so a friend their persons, not to their errors.

5. The archbishops and bishops, next under the ng, have the government of the church and ecclesiastical affairs: be not you the mean to prefer any those places for any by-respects; but only for eir learning, gravity, and worth: their lives and ctrine ought to be exemplary.

6. For deans, and canons or prebends of cathedral urches; in their first institution they were of eat use in the church; they were not only to be of unsel with the bishop for his revenue, but chiefly his government in causes ecclesiastical: use your st means to prefer such to those places who are for that purpose, men eminent for their learning, rity, and discretion, and put the king often in mind reof; and let them be reduced again to their st institution.

7. You will be often solicited, and perhaps importuned to prefer scholars to church livings: you ay farther your friends in that way, cæteris paribus; otherwise remember, I pray, that these are t places merely of favour; the charge of souls s upon them; the greatest account whereof will required at their own hands; but they will share eply in their faults who are the instruments of eir preferment.

8. Besides the Romish catholics, there is a generation of sectaries, the anabaptists, Brownists, and hers of their kinds; they have been several times ry busy in this kingdom, under the colour of zeal reformation of religion: the king your master ows their disposition very well; a small touch will it him in mind of them; he had experience of em in Scotland, I hope he will beware of them in gland; a little countenance or connivancy sets em on fire.

9. Order and decent ceremonies in the church e not only comely, but commendable; but there ho he great care not to introduce innovations, they ll quickly prove scandalous; men are naturally ter-prone to suspicion: the true protestant religion is seated in the golden mean; the enemies unto her are the extremes on either hand.

10. The persons of churchmen are to be had in due respect for their work's sake, and protected from scorn; but if a clergyman be loose and scandalous, he must not be patronized nor winked at; the example of a few such corrupt many.

11. Great care must be taken, that the patrimony of the church be not sacrilegiously diverted to lay uses: his Majesty in his time hath religiously stopped a leak that did much harm, and would else have done more. Be sure, as much as in you lies, stop the like upon all occasions.

12. Colleges and schools of learning are to be cherished and encouraged, there to breed up a new stock to furnish the church and commonwealth when the old store are transplanted. This kingdom hath in latter ages been famous for good literature; and if preferment shall attend the deservers, there will not want supplies.

II. Next to religion, let your care be to promote justice. By justice and mercy is the king's throne established.

1. Let the rule of justice be the laws of the land, an impartial arbiter between the king and his people, and between one subject and another: I shall not speak superlatively of them, lest I be suspected of partiality, in regard of my own profession; but this I may truly say, They are second to none in the christian world.

[They are the best, the equallest in the world between prince and people; by which the king hath the justest prerogative, and the people the best liberty: and if at any time there be an unjust deviation, "Hominis est vitium, non professionis."]

2. And as far as it may lie in you, let no arbitrary power be intruded: the people of this kingdom love the laws thereof, and nothing will oblige them more, than a confidence of the free enjoying of them: what the nobles upon an occasion once said in parliament, "Nolumus leges Angliæ mutari," is imprinted in the hearts of all the people.

3. But because the life of the laws lies in the due execution and administration of them, let your eye be, in the first place, upon the choice of good judges: these properties had they need to be furnished with; to be learned in their profession, patient in hearing, prudent in governing, powerful in their elocution to persuade and satisfy both the parties and hearers, just in their judgment; and, to sum up all, they must have these three attributes; they must be men of courage, fearing God, and hating covetousness; an ignorant man cannot, a coward dares not, be a good judge.

4. By no means be you persuaded to interpose yourself, either by word or letter, in any cause depending, or like to be depending in any court of justice, nor suffer any other great man to do it where you can hinder it, and by all means dissuade the king himself from it, upon the importunity of any for themselves or their friends: if it should prevail, it perverts justice; but if the judge be so just, and of such courage, as he ought to be, as not to be in-

clined thereby, yet it always leaves a taint of suspicion behind it; judges must be as chaste as Cæsar's wife, neither to be, nor to be suspected to be unjust; and, Sir, the honour of the judges in their judicature is the king's honour whose person they represent.

5. There is a great use of the service of the judges in their circuits, which are twice in the year held throughout the kingdom: the trial of causes between party and party, or delivering of the gaols in the several counties, are of great use for the expedition of justice; yet they are of much more use for the government of the counties through which they pass, if that were well thought upon.

6. For if they had instructions to that purpose, they might be the best intelligencers to the king of the true state of his whole kingdom, of the disposition of the people, of their inclinations, of their intentions and motions, which are necessary to be truly understood.

7. To this end I could wish, that against every circuit all the judges should, sometimes by the king himself, and sometimes by the lord chancellor or lord keeper, in the king's name, receive a charge of those things which the present times did much require; and at their return should deliver a faithful account thereof, and how they found and left the counties through which they passed, and in which they kept their assizes.

8. And that they might the better perform this work, which might be of great importance, it will not be amiss that sometimes this charge be public, as it useth to be in the Star-chamber, at the end of the terms next before the circuit begins, where the king's care of justice, and the good of his people, may be published; and that sometimes also it may be private, to communicate to the judges some things not so fit to be publicly delivered.

9. I could wish also, that the judges were directed to make a little longer stay in a place than usually they do; a day more in a county would be a very good addition; although their wages for their circuits were increased in proportion: it would stand better with the gravity of their employment; whereas now they are sometimes enforced to rise over-early, and to sit over-late, for the despatch of their business, to the extraordinary trouble of themselves and of the people, their times indeed not being horæ juridicæ; and, which is the main, they would have the more leisure to inform themselves, quasi aliud agentes, of the true estate of the country.

10. The attendance of the sheriffs of the counties, accompanied with the principal gentlemen, in a comely, not a costly equipage, upon the judges of assize at their coming to the place of their sitting, and at their going out, is not only a civility, but of use also: it raiseth a reverence to the persons and places of the judges, who coming from the king himself on so great an errand, should not be neglected.

11. If any sue to be made a judge, for my own part, I should suspect him: but if either directly or indirectly he should bargain for a place of judicature, let him be rejected with shame; "Vendere jure potest, emerat ille prius."

12. When the place of a chief judge of a court becomes vacant, a puisne judge of that court, or of another court, who hath approved himself fit and deserving, should be sometimes preferred; it would be a good encouragement for him, and for others by his example.

13. Next to the judge, there would be care used in the choice of such as are called to the degree of serjeants at law, for such they must be first before they be made judges; none should be made serjeants but such as probably might be held fit to be judges afterwards, when the experience at the bar hath fitted them for the bench: therefore by all means cry down that unworthy course of late times used, that they should pay moneys for it; it may satisfy some courtiers, but it is no honour to the person so preferred, nor to the king, who thus prefers them.

14. For the king's counsel at the law, especially his attorney and solicitor general, I need say nothing: their continual use for the king's service, not only for his revenue, but for all the parts of his government, will put the king, and those who love his service, in mind to make choice of men every way fit and able for that employment; they had need to be learned in their profession, and not ignorant in other things; and to be dexterous in those affairs whereof the despatch is committed to them.

15. The king's attorney of the court of wards is in the true quality of the judges; therefore what hath been observed already of judges, which are intended principally of the three great courts of law at Westminster, may be applied to the choice of the attorney of this court.

16. The like for the attorney of the duchy of Lancaster, who partakes of both qualities, partly of a judge in that court, and partly of an attorney-general for so much as concerns the proper revenue of the duchy.

17. I must not forget the judges of the four circuits in the twelve shires of Wales, who although they are not of the first magnitude, nor need be of the degree of the coif, only the chief justice of Chester, who is one of their number, is so, yet are they considerable in the choice of them, by the same rules as the other judges are; and they sometimes are, and fitly may be, transplanted into their higher courts.

18. There are many courts, as you see, some superior, some provincial, and some of a lower orb it were to be wished, and is fit to be so ordered, that every of them keep themselves within their proper spheres. The harmony of justice is then the sweetest, when there is no jarring about the jurisdiction of the courts; which methinks wisdom cannot much differ upon, their true bounds being for the most part so clearly known.

19. Having said thus much of the judges, somewhat will be fit to put you in mind concerning the principal ministers of justice: and in the first, of the high sheriffs of the counties, which have been very ancient in this kingdom; I am sure before the conquest; the choice of them I commend to your care, and that at fit times you put the king in mind thereof; that as near as may be they be such as are fit

for those places: for they are of great trust and power; the posse comitatus, the power of the whole county, being legally committed unto him.

20. Therefore it is agreeable with the intention of the law, that the choice of them should be by the commendation of the great officers of the kingdom, and by the advice of the judges, who are presumed to be well read in the condition of the gentry of the whole kingdom: and although the king may do it of himself, yet the old way is the good way.

21. But I utterly condemn the practice of the later times, which hath lately crept into the court, at the back-stairs, that some who are pricked for sheriffs, and were fit, should get out of the bill; and others who were neither thought upon, nor worthy to be, should be nominated, and both for money.

22. I must not omit to put you in mind of the lords lieutenants and deputy lieutenants of the counties: their proper use is for ordering the military affairs, in order to an invasion from abroad, or a rebellion or sedition at home; good choice should be made of them, and prudent instructions given to them, and as little of the arbitrary power as may be left unto them; and that the muster-masters, and other officers under them, encroach not upon the subject; that will detract much from the king's service.

23. The justices of peace are of great use. Anciently they were conservators of the peace; these are the same, saving that several acts of parliament have altered their denomination, and enlarged their jurisdiction in many particulars: the fitter they are for the peace of the kingdom, the more heed ought to be taken in the choice of them.

24. But negatively, this I shall be bold to say, that none should be put into either of those commissions with an eye of favour to their persons, to give them countenance or reputation in the places where they live, but for the king's service sake; nor any put out for the disfavour of any great man: it hath been too often used, and hath been no good service to the king.

25. A word more, if you please to give me leave, for the true rules of moderation of justice on the king's part. The execution of justice is committed to his judges, which seemeth to be the severer part; but the milder part, which is mercy, is wholly left in the king's immediate hand: and justice and mercy are the true supporters of his royal throne.

26. If the king shall be wholly intent upon justice, it may appear with an over-rigid aspect; but if he shall be over-remiss and easy, it draweth upon him contempt. Examples of justice must be made sometimes for terror to some; examples of mercy, sometimes, for comfort to others; the one procures fear, and the other love. A king must be both feared and loved, else he is lost.

27. The ordinary courts of justice I have spoken of, and of their judges and judicature: I shall put you in mind of some things touching the high court of parliament in England, which is superlative; and therefore it will behove me to speak the more warily thereof.

28. For the institution of it, it is very ancient in this kingdom: it consisteth of the two houses, of peers and commons, as the members; and of the king's Majesty, at the head of that great body: by the king's authority alone, and by his writs, they are assembled, and by him alone are they prorogued and dissolved; but each house may adjourn itself.

29. They being thus assembled, are more properly a council to the king, the great council of the kingdom, to advise his Majesty in those things of weight and difficulty, which concern both the king and people, than a court.

30. No new laws can be made, nor old laws abrogated or altered, but by common consent in parliament, where bills are prepared and presented to the two houses, and then delivered, but nothing is concluded but by the king's royal assent; they are but embryos, it is he giveth life unto them.

31. Yet the house of peers hath a power of judicature in some cases: properly to examine, and then to affirm; or if there be cause, to reverse the judgments which have been given in the court of king's bench, which is the court of highest jurisdiction in the kingdom for ordinary judicature; but in these cases it must be done by writ of error in parliamento: and thus the rule of their proceedings is not absoluta potestas, as in making new laws, in that conjuncture as before, but limitata potestas, according to the known laws of the land.

32. But the house of commons have only power to censure the members of their own house, in point of election, or misdemeanors in or towards that house; and have not, nor ever had, power so much as to administer an oath to prepare a judgment.

33. The true use of parliaments in this kingdom is very excellent; and they would be often called, as the affairs of the kingdom shall require; and continued as long as is necessary and no longer: for then they be but burdens to the people, by reason of the privileges justly due to the members of the two houses and their attendants, which their just rights and privileges are religiously to be observed and maintained: but if they should be unjustly enlarged beyond their true bounds, they might lessen the just power of the crown, it borders so near upon popularity.

34. All this while I have spoken concerning the common laws of England, generally and properly so called, because it is most general and common to almost all cases and causes, both civil and criminal: but there is also another law, which is called the civil or ecclesiastical law, which is confined to some few heads, and that is not to be neglected: and although I am a professor of the common law, yet am I so much a lover of truth and of learning, and of my native country, that I do heartily persuade that the professors of that law, called civilians, because the civil law is their guide, should not be discountenanced nor discouraged: else whensoever we shall have ought to do with any foreign king or state we shall be at a miserable loss, for want of learned men in that profession.

III. I come now to the consideration of those things which concern councillors of state, the coun-

cil table, and the great offices and officers of the kingdom; which are those who for the most part furnish out that honourable board.

1. Of counsellors there are two sorts: the first, consiliarii nati, as I may term them, such are the prince of Wales, and others of the king's sons when he hath more; of these I speak not, for they are naturally born to be counsellors to the king, to learn the art of governing betimes.

2. But the ordinary sort of counsellors are such as the king out of a due consideration of their worth and abilities, and withal, of their fidelities to his person and to his crown, calleth to be of council with him in his ordinary government. And the council-table is so called from the place where they ordinarily assemble and sit together; and their oath is the only ceremony used to make them such, which is solemnly given unto them at their first admission: these honourable persons are from thenceforth of that board and body: they cannot come until they be thus called, and the king at his pleasure may spare their attendance; and he may dispense with their presence there, which at their own pleasure they may not do.

3. This being the quality of their service, you may easily judge what care the king should use in his choice of them. It behoveth that they be persons of great trust and fidelity, and also of wisdom and judgment, who shall thus assist in bearing up the king's throne, and of known experience in public affairs.

4. Yet it may not be unfit to call some of young years, to train them up in that trade, and so fit them for those weighty affairs against the time of greater maturity, and some also for the honour of their persons: but these two sorts are not to be tied to so strict attendance as the others, from whom the present despatch of business is expected.

5. I could wish that their number might not be so over-great, the persons of the counsellors would be the more venerable: and I know that queen Elizabeth, in whose time I had the happiness to be born and to live many years, was not so much observed for having a numerous as a wise council.

6. The duty of a privy-counsellor to a king, I conceive, is not only to attend the council-board at the times appointed, and there to consult of what shall be propounded; but also to study those things which may advance the king's honour and safety, and the good of the kingdom, and to communicate the same to the king, or to his fellow-counsellors, as there shall be occasion. And this, Sir, will concern you more than others, by how much you have a larger share in his affections.

7. And one thing I shall be bold to desire you to recommend to his Majesty; that when any new thing shall be propounded to be taken into consideration, that no counsellor should suddenly deliver any positive opinion thereof: it is not so easy with all men to retract their opinions, although there shall be cause for it: but only to hear it, and at the most but to break it, at first, that it may be the better understood against the next meeting.

8. When any matter of weight hath been debated, and seemeth to be ready for a resolution; I wish it may not be at that sitting concluded, unless the necessity of the time press it, lest upon second cogitations there should be cause to alter; which is not for the gravity and honour of that board.

9. I wish also that the king would be pleased sometimes to be present at that board; it adds a majesty to it: and yet not to be too frequently there; that would render it less esteemed when it is become common; besides, it may sometimes make the counsellors not be so free in their debates in his presence as they would be in his absence.

10. Besides the giving of counsel, the counsellors are bound by their duties ex vi termini, as well as by their oaths, to keep counsel; therefore are they called "de privato consilio regis," and "a secretioribus consiliis regis:"

11. One thing I add, in the negative, which is not fit for that board, the entertaining of private causes of meum et tuum; those should be left to the ordinary course and courts of justice.

12. As there is great care to be used for the counsellors themselves to be chosen, so there is of the clerks of the council also, for their secreting of their consultations: and methinks, it were fit that his Majesty be speedily moved to give a strict charge, and to bind it with a solemn order, if it be not already so done, that no copies of the orders of that table be delivered out by the clerks of the council, but by the order of the board; nor any, not being a counsellor, or a clerk of the council, or his clerk, to have access to the council books: and to that purpose, that the servants attending the clerks of the council be bound to secrecy, as well as their masters.

13. For the great offices and officers of the kingdom, I shall say little; for the most part of them are such as cannot well be severed from the counsellorship; and therefore the same rule is to be observed for both, in the choice of them. In the general, only, I advise this, let them be set in those places for which they are probably the most fit.

14. But in the quality of the persons, I conceive it will be most convenient to have some of every sort, as in the time of queen Elizabeth it was; one bishop at the least, in respect of questions touching religion or church government; one or more skilled in the laws; some for martial affairs; and some for foreign affairs: by this mixture one will help another in all things that shall there happen to be moved. But if that should fail, it will be a safe way, to consult with some other able persons well versed in that point which is the subject of their consultation; which yet may be done so warily, as may not discover the main end therein.

IV. In the next place, I shall put you in mind of foreign negotiations, and embassies to or with foreign princes or states; wherein I shall be little able to serve you.

1. Only, I will tell you what was the course in the happy days of queen Elizabeth, whom it will be no disreputation to follow: she did vary according to the nature of the employment, the quality of the

persons she employed; which is a good rule to go by.

2. If it were an embassy of gratulation or ceremony, which must not be neglected, choice was made of some noble person eminent in place and able in purse; and he would take it as a mark of favour, and discharge it without any great burden to the queen's coffers, for his own honour's sake.

3. But if it were an embassy of weight, concerning affairs of state, choice was made of some sad person of known judgment, wisdom, and experience; and not of a young man not weighed in state matters; nor of a mere formal man, whatsoever his title or outside were.

4. Yet in company of such, some young towardly noblemen or gentlemen were usually sent also, as assistants or attendants, according to the quality of the persons; who might be thereby prepared and fitted for the like employment, by this means, at another turn.

5. In their company were always sent some grave and sad men, skilful in the civil laws, and some in the languages, and some who had been formerly conversant in the courts of those princes, and knew their ways: these were assistants in private, but not trusted to manage the affairs in public; that would detract from the honour of the principal ambassador.

6. If the negotiations were about merchants' affairs, then were the persons employed for the most part doctors of the civil law, assisted with some other discreet men; and in such, the charge was ordinarily defrayed by the company or society of merchants whom the negotiation concerned.

7. If lieger ambassadors or agents were sent to remain in or near the courts of those princes or states, as it was ever held fit, to observe the motions, and to hold correspondence with them, upon all occasions, such were made choice of as were presumed to be vigilant, industrious, and discreet men, and had the language of the place whither they were sent; and with these were sent such as were hopeful to be worthy of the like employment at another time.

8. Their care was, to give true and timely intelligence of all occurrences, either to the queen herself, or to the secretaries of state, unto whom they had their immediate relation.

9. Their charge was always borne by the queen, duly paid out of the exchequer, in such proportion, as, according to their qualities and places, might give them an honourable subsistence there: but for the reward of their service, they were to expect it upon their return, by some such preferment as might be worthy of them, and yet be little burden to the queen's coffers or revenues.

10. At their going forth they had their general instructions in writing, which might be communicated to the ministers of that state whither they were sent; and they had also private instructions upon particular occasions: and at their return, they did always render an account of some things to the queen herself, of some things to the body of the council, and of some others to the secretaries of state; who made use of them, or communicated them, as there was cause.

11. In those days there was a constant course held, that by the advice of the secretaries, or some principal counsellors, there were always sent forth into several parts beyond the seas some young men, of whom good hopes were conceived of their towardliness, to be trained up, and made fit for such public employments, and to learn the languages. This was at the charge of the queen, which was not much; for they travelled but as private gentlemen; and as by their industry their deserts did appear, so were they farther employed or rewarded. This course I shall recommend unto you, to breed up a nursery of such public plants.

V. For peace and war, and those things which appertain to either; I in my own disposition and profession am wholly for peace, if please God to bless this kingdom therewith, as for many years past he hath done: and,

1. I presume I shall not need to persuade you to the advancing of it; nor shall you need to persuade the king your master therein, for that he hath hitherto been another Solomon in this our Israel, and the motto which he hath chosen, "Beati pacifici," shows his own judgment: but he must use the means to preserve it, else such a jewel may be lost.

2. God is the God of peace; it is one of his attributes, therefore by him alone we must pray, and hope to continue it: there is the foundation.

3. And the king must not neglect the just ways for it; justice is the best protector of it at home, and providence for war is the best prevention of it from abroad.

4. Wars are either foreign or civil; for the foreign war by the king upon some neighbour nation, I hope we are secure; the king in his pious and just disposition is not inclinable thereunto: his empire is long enough, bounded with the ocean, as if the very situation thereof had taught the king and people to set up their rests, and say, "Ne plus ultra."

5. And for a war of invasion from abroad; only we must not be over-secure: that is the way to invite it.

6. But if we be always prepared to receive an enemy, if the ambition or malice of any should incite him, we may be very confident we shall long live in peace and quietness, without any attempts upon us.

7. To make the preparations hereunto the more assured: in the first place, I will recommend unto you the care of our out-works, the navy royal and shipping of our kingdom, which are the walls thereof: and every great ship is an impregnable fort; and our many safe and commodious ports and havens, in every of these kingdoms, are as the redoubts to secure them.

8. For the body of the ships, no nation of the world doth equal England for the oaken timber wherewith to build them; and we need not borrow of any other iron for spikes, or nails to fasten them together; but there must be a great deal of providence used, that our ship timber be not unnecessarily wasted.

9. But for tackling, as sails and cordage, we are beholden to our neighbours for them, and do buy them for our money; that must be foreseen and laid up in store against a time of need, and not sought for when we are to use them: but we are much to blame that we make them not at home; only pitch and tar we have not of our own.

10. For the true art of building of ships, for burden and service both, no nation in the world exceeds us; ship-wrights, and all other artisans belonging to that trade, must be cherished and encouraged.

11. Powder and ammunition of all sorts we can have at home, and in exchange for other home commodities we may be plentifully supplied from our neighbours, which must not be neglected.

12. With mariners and seamen this kingdom is plentifully furnished: the constant trade of merchandising will furnish us at a need; and navigable rivers will repair the store, both to the navy royal and to the merchants, if they be set on work, and well paid for their labour.

13. Sea captains and commanders and other officers must be encouraged, and rise by degrees, as their fidelity and industry deserve it.

[Let brave spirits that have fitted themselves for command, either by sea or land, not be laid by, as persons unnecessary for the time: let arms and ammunition of all sorts be provided and stored up, as against a day of battle; let the ports and forts be fitted so, as if by the next wind we should hear of an alarm: such a known providence is the surest protection. But of all wars, let both prince and people pray against a war in our own bowels: the king by his wisdom, justice, and moderation, must foresee and stop such a storm, and if it fall must allay it; and the people by their obedience must decline it. And for a foreign war intended by an invasion to enlarge the bounds of our empire, which are large enough, and are naturally bounded with the ocean, I have no opinion either of the justness or fitness of it; and it were a very hard matter to attempt it with hope of success, seeing the subjects of this kingdom believe it is not legal for them to be enforced to go beyond the seas, without their own consent, upon hope of an unwarranted conquest; but to resist an invading enemy, or to suppress rebels, the subject may and must be commanded out of the counties where they inhabit. The whole kingdom is but one entire body; else it will necessarily be verified, which elsewhere was asserted, "Dum singuli pugnamus, omnes vincimur."]

14. Our strict league of amity and alliance with our near neighbours the Hollanders is a mutual strength to both; the shipping of both, in conjuncture, being so powerful, by God's blessing, as no foreigners will venture upon; this league and friendship must inviolably be observed.

15. From Scotland we have had in former times some alarms and inroads into the northern parts of this kingdom: but that happy union of both kingdoms under one sovereign, our gracious king, I hope, hath taken away all occasions of breach between the two nations. Let not the cause arise from England, and I hope the Scots will not adventure it; or if they do, I hope they will find, that although to our king they were his first-born subjects, yet to England belongs the birthright: but this should not be any cause to offer any injury to them, nor to suffer any from them.

16. There remains then no danger, by the blessing of God, but a civil war, from which God of his mercy defend us, as that which is most desperate of all others. The king's wisdom and justice must prevent it, if it may be; or if it should happen, quod absit, he must quench that wild-fire with all the diligence that possibly can be.

17. Competition to the crown there is none, nor can be, therefore it must be a fire within the bowels, or nothing; the cures whereof are these, remedium præveniens, which is the best physic, either to a natural body, or to a state, by just and equal government to take away the occasion; and remedium puniens, if the other prevail not: the service and vigilancy of the deputy lieutenants in every county, and of the high sheriff, will contribute much herein to our security.

18. But if that should not prevail, by a wise and timous inquisition, the peccant humours and humorists must be discovered, and purged, or cut off; mercy, in such a case, in a king is true cruelty.

19. Yet if the heads of the tribes can be taken off, and the misled multitude will see their error, and return to their obedience, such an extent of mercy is both honourable and profitable.

20. A king, against a storm, must foresee to have a convenient stock of treasure; and neither be without money, which is the sinews of war, nor to depend upon the courtesy of others, which may fail at a pinch.

21. He must also have a magazine of all sorts, which must be had from foreign parts, or provided at home, and to commit them to several places, under the custody of trusty and faithful ministers and officers, if it be possible.

22. He must make choice of expert and able commanders to conduct and manage the war, either against a foreign invasion, or a home rebellion; which must not be young and giddy, which dare, not only to fight, but to swear, and drink, and curse, neither fit to govern others, nor able to govern themselves.

23. Let not such be discouraged, if they deserve well, by misinformation, or for the satisfying the humours or ambition of others, perhaps out of envy, perhaps out of treachery or other sinister ends. A steady hand in governing of military affairs is more requisite than in times of peace, because an error committed in war may, perhaps, prove irremediable.

24. If God shall bless these endeavours, and the king return to his own house in peace, when a civil war shall be at an end, those who have been found faithful in the land must be regarded, yea, and rewarded also; the traitorous, or treacherous, who have misled others, severely punished; and the neutrals and false-hearted friends and followers, who have started aside like a broken bow, be noted

carbone nigro. And so I shall leave them, and this part of the work.

VI. I come to the sixth part, which is trade; and that is either at home or abroad. And I begin with that which is at home, which enableth the subjects of the kingdom to live, and layeth a foundation to a foreign trade by traffic with others, which enableth them to live plentifully and happily.

1. For the home trade, I first commend unto your consideration the encouragement of tillage, which will enable the kingdom for corn for the natives, and to spare for exportation: and I myself have known, more than once, when, in times of dearth, in queen Elizabeth's days, it drained much coin of the kingdom, to furnish us with corn from foreign parts.

2. Good husbands will find the means, by good husbandry, to improve their lands, by lime, chalk, marl, or sea-sand, where it can be had: but it will not be amiss, that they be put in mind thereof, and encouraged in their industries.

3. Planting of orchards, in a soil and air fit for them, is very profitable, as well as pleasurable; cider and perry are notable beverages in sea voyages.

4. Gardens are also very profitable, if planted with artichokes, roots, and such other things as are fit for food; whence they be called kitchen gardens, and that very properly.

5. The planting of hop-yards, sowing of woad and rape seed, are found very profitable for the planters, in places apt for them, and consequently profitable for the kingdom, which for divers years was furnished with them from beyond the seas.

6. The planting and preserving of woods, especially of timber, is not only profitable, but commendable, therewith to furnish posterity, both for building and shipping.

7. The kingdom would be much improved by draining of drowned lands, and gaining that in from the overflowing of salt waters and the sea, and from fresh waters also.

8. And many of those grounds would be exceeding fit for dairies, which, being well housewived, are exceeding commodious.

9. Much good land might be gained from forests and chases, more remote from the king's access, and from other commonable places, so as always there be a due care taken, that the poor commoners have no injury by such improvement.

10. The making of navigable rivers would be very profitable; they would be as so many indraughts of wealth, by conveying of commodities with ease from place to place.

11. The planting of hemp and flax would be an unknown advantage to the kingdom, many places therein being as apt for it, as any foreign parts.

12. But add thereunto, that if it be converted into linen-cloth or cordage, the commodity thereof will be multiplied.

13. So it is of the wools and leather of the kingdom, if they be converted into manufactures.

14. Our English dames are much given to the wearing of costly laces; and, if they be brought from Italy, or France, or Flanders, they are in great esteem; whereas, if the like laces were made by the English, so much thread as would make a yard of lace, being put into that manufacture, would be five times, or, perhaps, ten or twenty times the value.

15. The breeding of cattle is of much profit, especially the breed of horses, in many places, not only for travel, but for the great saddle; the English horse, for strength, and courage, and swiftness together, not being inferior to the horses of any other kingdom.

16. The minerals of the kingdom, of lead, iron, copper, and tin, especially, are of great value, and set many able-bodied subjects on work; it were great pity they should not be industriously followed.

17. But of all minerals, there is none like to that of fishing, upon the coasts of these kingdoms, and the seas belonging to them: our neighbours within half a day's sail of us, with a good wind, can show us the use and value thereof; and, doubtless, there is sea-room enough for both nations without offending one another; and it would exceedingly support the navy.

18. This realm is much enriched, of late years, by the trade of merchandise which the English drive in foreign parts; and, if it be wisely managed, it must of necessity very much increase the wealth thereof: care being taken, that the exportation exceed in value the importation: for then the balance of trade must of necessity be returned in coin or bullion.

19. This would easily be effected, if the merchants were persuaded or compelled to make their returns in solid commodities, and not too much thereof in vanity, tending to excess.

20. But especially care must be taken, that monopolies, which are the cankers of all trading, be not admitted under specious colours of public good.

21. To put all these into a regulation, if a constant commission to men of honesty and understanding were granted, and well pursued, to give order for the managing of these things, both at home and abroad, to the best advantage; and that this commission were subordinate to the council-board; it is conceived it would produce notable effects.

VII. The next thing is that of colonies and foreign plantations, which are very necessary, as outlets, to a populous nation, and may be profitable also if they be managed in a discreet way.

1. First, in the choice of the place, which requireth many circumstances; as, the situation, near the sea, for the commodiousness of an intercourse with England; the temper of the air and climate, as may best agree with the bodies of the English, rather inclining to cold than heat; that it be stored with woods, mines, and fruits, which are naturally in the place; that the soil be such as will probably be fruitful for corn, and other conveniencies, and for breeding of cattle; that it hath rivers, both for passage between place and place, and for fishing also, if it may be; that the natives be not so many, but that there may be elbow-room enough for them, and for the adventives also; all which are likely to be found in the West Indies.

2. It should be also such as is not already planted by the subjects of any christian prince or state, nor over-nearly neighbouring to their plantation. And it would be more convenient, to be chosen by some of those gentlemen or merchants which move first in the work, than to be designed unto them from the king: for it must proceed from the option of the people, else it sounds like an exile; so the colonies must be raised by the leave of the king, and not by his command.

3. After the place is made choice of, the first step must be, to make choice of a fit governor; who although he have not the name, yet he must have the power of a viceroy: and if the person who principally moved in the work be not fit for that trust, yet he must not be excluded from command; but then his defect in the governing part must be supplied by such assistants as shall be joined with him, or as he shall very well approve of.

4. As at their setting out they must have their commission or letters patents from the king, that so they may acknowledge their dependency upon the crown of England, and under his protection; so they must receive some general instructions, how to dispose of themselves, when they come there, which must be in nature of laws unto them.

5. But the general law by which they must be guided and governed, must be the common law of England; and to that end, it will be fit that some man reasonably studied in the law, and otherwise qualified for such a purpose, be persuaded, if not thereunto inclined of himself, which were the best, to go thither as chancellor amongst them, at first; and when the plantation were more settled, then to have courts of justice there as in England.

6. At the first planting, or as soon after as they can, they must make themselves defensible both against the natives and against strangers; and to that purpose they must have the assistance of some able military man, and convenient arms and ammunition for their defence.

7. For the discipline of the church in those parts, it will be necessary, that it agree with that which is settled in England, else it will make a schism and a rent in Christ's coat, which must be seamless; and, to that purpose, it will be fit, that by the king's supreme power in causes ecclesiastical, within all his dominions, they be subordinate under some bishop and bishopric of this realm.

8. For the better defence against a common enemy, I think it would be best, that foreign plantations should be placed in one continent, and near together; whereas, if they be too remote, the one from the other, they will be disunited, and so the weaker.

9. They must provide themselves of houses, such as for the present they can, and, at more leisure, such as may be better; and they first must plant for corn and cattle, &c. for food and necessary sustenance; and after, they may enlarge themselves for those things which may be for profit and pleasure, and to traffic withal also.

10. Woods for shipping, in the first place, may doubtless be there had, and minerals there found, perhaps, of the richest; howsoever, the mines out of the fruits of the earth, and seas and waters adjoining, may be found in abundance.

11. In a short time they may build vessels and ships also, for traffic with the parts near adjoining, and with England also, from whence they may be furnished with such things as they may want, and, in exchange or barter, send from thence other things, with which quickly, either by nature or art, they may abound.

12. But these things would by all means be prevented; that no known bankrupt, for shelter; nor known murderer or other wicked person, to avoid the law; nor known heretic or schismatic, be suffered to go into those countries; or, if they do creep in there, not to be harboured or continued; else, the place would receive them naught, and return them into England, upon all occasions, worse.

13. That no merchant, under colour of driving a trade thither or from thence, be suffered to work upon their necessities.

14. And that to regulate all these inconveniences, which will insensibly grow upon them, that the king be pleased to erect a subordinate council in England, whose care and charge shall be, to advise, and put in execution, all things which shall be found fit for the good of those new plantations: who, upon all occasions, shall give an account of their proceedings to the king, or to the council-board, and from them receive such directions as may best agree with the government of that place.

15. That the king's reasonable profit be not neglected, partly upon reservation of moderate rents and services; and partly upon customs; and partly upon importation and exportation of merchandise; which for a convenient time after the plantation begin, would be very easy, to encourage the work; but, after it is well settled, may be raised to a considerable proportion, worthy the acceptation.

[Yet these cautions are to be observed in these undertakings.

1. That no man be compelled to such an employment; for that were a banishment, and not a service fit for a free man.

2. That if any transplant themselves into plantations abroad, who are known schismatics, outlaws, or criminal persons, that they be sent for back upon the first notice; such persons are not fit to lay the foundation of a new colony.

3. To make no extirpation of the natives under pretence of planting religion: God surely will no way be pleased with such sacrifices.

4. That the people sent thither be governed according to the laws of this realm, whereof they are, and still must be subjects.

5. To establish there the same purity of religion, and the same discipline for church government, without any mixture of popery or anabaptism, lest they should be drawn into factions and schisms, and that place receive them there bad, and send them back worse.

6. To employ them in profitable trades and manufactures, such as the clime will best fit, and such as may be useful to this kingdom, and return to them an exchange of things necessary.

7. That they be furnished and instructed for the military part, as they may defend themselves; lest, in a sudden, they be exposed as a prey to some other nation, when they have fitted the colony for them.

8. To order a trade thither, and thence, in such a manner as some few merchants and tradesmen, under colour of furnishing the colony with necessaries, may not grind them, so as shall always keep them in poverty.

9. To place over them such governors as may be qualified in such manner as may govern the place, and lay the foundation of a new kingdom.

10. That care be taken, that when the industry of one man hath settled the work, a new man, by insinuation or misinformation, may not supplant him without a just cause, which is the discouragement of all faithful endeavours.

11. That the king will appoint commissioners in the nature of a council, who may superintend the works of this nature, and regulate what concerns the colonies, and give an account thereof to the king, or to his council of state.

Again, For matter of trade, I confess it is out of my profession; yet in that I shall make a conjecture also, and propound some things to you, whereby, if I am not much mistaken, you may advance the good of your country and profit of your master.

1. Let the foundation of a profitable trade be thus laid, that the exportation of home commodities be more in value than the importation of foreign; so we shall be sure that the stocks of the kingdom shall yearly increase, for then the balance of trade must be returned in money or bullion.

2. In the importation of foreign commodities, let not the merchant return toys and vanities, as sometimes it was elsewhere apes and peacocks, but solid merchandise, first for necessity, next for pleasure, but not for luxury.

3. Let the vanity of the times be restrained, which the neighbourhood of other nations have induced; and we strive apace to exceed our pattern: let vanity in apparel, and, which is more vain, that of the fashion, be avoided. I have heard that in Spain, a grave nation, whom in this I wish we might imitate, they do allow the players and courtesans the vanity of rich and costly clothes; but to sober men and matrons they permit it not upon pain of infamy; a severer punishment upon ingenuous natures than a pecuniary mulct.

4. The excess of diet in costly meats and drinks fetched from beyond the seas would be avoided; wise men will do it without a law, I would there might be a law to restrain fools. The excess of wine costs the kingdom much, and returns nothing but surfeits and diseases; were we as wise as easily we might be, within a year or two at the most, if we would needs be drunk with wines, we might be drunk with half the cost.

5. If we must be vain and superfluous in laces and embroideries, which are more costly than either warm or comely, let the curiosity be the manufacture of the natives; then it should not be verified of us "materiam superabat opus."

6. But instead of crying up all things, which are either brought from beyond sea, or wrought here by the hands of strangers, let us advance the native commodities of our own kingdom, and employ our countrymen before strangers; let us turn the wools of the land into clothes and stuffs of our own growth, and the hemp and flax growing here into linen cloth and cordage: it would set many thousand hands on work, and thereby one shilling worth of the materials would by industry be multiplied to five, ten, and many times to twenty times more in the value being wrought.

7. And of all sorts of thrift for the public good, I would above all others commend to your care the encouragement to be given to husbandry, and the improving of lands for tillage; there is no such usury as this. The king cannot enlarge the bounds of these islands, which make up his empire, the ocean being the unremovable wall which encloseth them; but he may enlarge and multiply the revenue thereof by this honest and harmless way of good husbandry.

8. A very great help unto trade are navigable rivers; they are so many indraughts to attain wealth; wherefore by art and industry let them be made; but let them not be turned to private profit.

9. In the last place, I beseech you, take into your serious consideration that Indian wealth, which this island and the seas thereof excel in, the hidden and rich treasure of fishing. Do we want an example to follow? I may truly say to the English, "Go to the pismire, thou sluggard." I need not expound the text: half a day's sail with a good wind, will show the mineral and the miners.

10. To regulate all these it will be worthy the care of a subordinate council, to whom the ordering of these things may be committed, and they give an account thereof to the state.]

VIII. I come to the last of those things which I propounded, which is, the curiality.

The other did properly concern the king, in his royal capacity, as pater patriæ; this more properly as pater-familias: and herein,

1. I shall in a word, and but in a word only, put you in mind, that the king in his own person, both in respect of his household or court, and in respect of his whole kingdom, for a little kingdom is but as a great household, and a great household as a little kingdom, must be exemplary, "Regis ad exemplum," etc. But for this God be praised, our charge is easy; for our gracious master, for his learning and piety, justice and bounty, may be, and is, not only fair precedent to his own subjects, but to foreign princes also; yet he is still but a man, and seasonable mementos may be useful; and, being discreetly used, cannot but take well with him.

2. But your greatest care must be, that the great men of his court, for you must give me leave to be plain with you, for so is your injunction laid upon me, yourself in the first place, who are first in the eye of all men, give no just cause of scandal; either by light, or vain, or by oppressive carriage.

3. The great officers of the king's household had

need be both discreet and provident persons, both for his honour and for his thrift; they must look both ways, else they are but half-sighted: yet in the choice of them there is more latitude left to affection, than in the choice of counsellors, and of the great officers of state, before touched, which must always be made choice of merely out of judgment; for in them the public hath a great interest.

[And yet in these, the choice had need be of honest and faithful servants, as well as of comely outsides, who can bow the knee, and kiss the hand, and perform other services, of small importance compared with this of public employment. King David, Psal. ci. 6, 7, propounded a rule to himself for the choice of his courtiers. He was a wise and a good king; and a wise and a good king shall do well to follow such a good example: and if he find any to be faulty, which perhaps cannot suddenly be discovered, let him take on him this resolution as king David did, "There shall no deceitful person dwell in my house." But for such as shall bear office in the king's house, and manage the expenses thereof, it is much more requisite to make a good choice of such servants, both for his thrift and for his honour.]

4. For the other ministerial officers in court, as, for distinction' sake, they may be termed, there must also be an eye unto them and upon them. They have usually risen in the household by degrees, and it is a noble way, to encourage faithful service: but the king must not bind himself to a necessity herein, for then it will be held ex debito: neither must he alter it, without an apparent cause for it: but to displace any who are in, upon displeasure, which for the most part happeneth upon the information of some great man, is by all means to be avoided, unless there be a manifest cause for it.

5. In these things you may sometimes interpose, to do just and good offices; but for the general, I should rather advise, meddle little, but leave the ordering of those household affairs to the white-staffs, which are those honourable persons, to whom it properly belongeth to be answerable to the king for it; and to those other officers of the green-cloth, who are subordinate to them, as a kind of council, and a court of justice also.

6. Yet for the green-cloth law, take it in the largest sense, I have no opinion of it, farther than it is regulated by the just rules of the common laws of England.

7. Towards the support of his Majesty's own table, and of the prince's, and of his necessary officers, his Majesty hath a good health by purveyance, which justly is due unto him; and, if justly used, is no great burden to the subject; but by the purveyors and other under-officers is many times abused. In many parts of the kingdom, I think, it is already reduced to a certainty in money; and if it be indifferently and discreetly managed, it would be no hard matter to settle it so throughout the whole kingdom; yet to be renewed from time to time: for that will be the best and safest, both for the king and people.

8. The king must be put in mind to preserve the revenues of his crown, both certain and casual, without diminution, and to lay up treasure in store against a time of extremity; empty coffers give an ill sound, and make the people many times forget their duty, thinking that the king must be beholden to them for his supplies.

9. I shall by no means think it fit, that he reward any of his servants with the benefit of forfeitures, either by fines in the court of Star-chamber, or high commission courts, or other courts of justice, or that they should be farmed out, or bestowed upon any, so much as by promise, before judgment given; it would neither be profitable nor honourable.

10. Besides matters of serious consideration, in the courts of princes, there must be times for pastimes and disports: when there is a queen and ladies of honour attending her, there must sometimes be masques, and revels, and interludes; and when there is no queen, or princess, as now, yet at festivals, and for entertainment of strangers, or upon such occasions, they may be fit also: yet care would be taken, that in such cases they be set off more with wit and activity than with costly and wasteful expenses.

11. But for the king and prince, and the lords and chivalry of the court, I rather commend, in their turns and seasons, the riding of the great horse, the tilts, the barriers, tennis, and hunting, which are more for the health and strength of those who exercise them, than in an effeminate way to please themselves and others.

And now the prince groweth up fast to be a man, and is of a sweet and excellent disposition; it would be an irreparable stain and dishonour upon you, having that access unto him, if you should mislead him, or suffer him to be misled by any loose or flattering parasites: the whole kingdom hath a deep interest in his virtuous education; and if you, keeping that distance which is fit, do humbly interpose yourself, in such a case he will one day give you thanks for it.

12. Yet dice and cards may sometimes be used for recreation, when field-sports cannot be had; but not to use it as a mean to spend the time, much less to mispend the thrift of the gamesters.

Sir, I shall trouble you no longer: I have run over these things as I first propounded them; please you to make use of them, or any of them, as you shall see occasion; or to lay them by, as you shall think best, and to add to them, as you daily may, out of your experience.

I must be bold, again, to put you in mind of your present condition; you are in the quality of a centinel; if you sleep, or neglect your charge, you are an undone man, and you may fall much faster than you have risen.

I have but one thing more to mind you of, which nearly concerns yourself; you serve a great and gracious master, and there is a most hopeful young prince, whom you must not desert; it behoves you to carry yourself wisely and evenly between them both: adore not so the rising son, that you forget the father, who raised you to this height; nor be

you so obsequious to the father, that you give just cause to the son to suspect that you neglect him: but carry yourself with that judgment, as, if it be possible, may please and content them both; which, truly, I believe, will be no hard matter for you to do: so may you live long beloved of both.

[If you find in these or any other your observations, which doubtless are much better than these poor collections, any thing which you would have either the father or the son to take to heart, an admonition from a dead author, or a caveat from an impartial pen, whose aim neither was nor can be taken to be at any particular by design, will prevail more and take better impression than a downright advice; which perhaps may be mistaken as if it were spoken magisterially.

Thus may you live long a happy instrument for your king and country; you shall not be a meteor or a blazing star, but stella fixa: happy here and more happy hereafter. "Deus manu suâ te ducat:"] which is the hearty prayer of

Your most obliged and devoted Servant.

AN

ADVERTISEMENT TOUCHING AN HOLY WAR.

WRITTEN IN THE YEAR MDCXXII.

TO THE RIGHT REVEREND FATHER IN GOD,

LANCELOT ANDREWS,

LORD BISHOP OF WINCHESTER, AND COUNSELLOR OF ESTATE TO HIS MAJESTY.

My lord,

Amongst consultations, it is not the least to represent to a man's self like examples of calamity in others. For examples give a quicker impression than arguments; and besides, they certify us, that which the Scripture also tendereth for satisfaction; "that no new thing is happened unto us." This they do the better, by how much the examples are liker in circumstances to our own case; and more especially if they fall upon persons that are greater and worthier than ourselves. For as it savoureth of vanity, to match ourselves highly in our own conceit; so on the other side it is a good sound conclusion, that if our betters have sustained the like events, we have the less cause to be grieved.

In this kind of consolation I have not been wanting to myself, though as a christian, I have tasted, through God's great goodness, of higher remedies. Having therefore, through the variety of my reading, set before me many examples both of ancient and latter times, my thought, I confess, have chiefly stayed upon three particulars, as the most eminent and the most resembling. All three persons that had held chief place of authority in their countries; all three ruined, not by war, or by any other disaster, but by justice and sentence, as delinquents and criminals; all three famous writers, insomuch as the remembrance of their calamity is now as to posterity but as a little picture of night-work, remaining amongst the fair and excellent tables of their acts and works: and all three, if that were any thing to the matter, fit examples to quench any man's ambition of rising again; for that they were every one of them restored with great glory, but to their farther ruin and destruction, ending in a violent death. The men were, Demosthenes, Cicero, and Seneca; persons that I durst not claim affinity with, except the similitude of our fortunes had contracted it. When I had cast mine eyes upon these examples, I was carried on farther to observe, how they bid bear their fortunes, and principally, how they did employ their times, being banished, and disabled for public business: to the end that I might learn by them; and that they might be as well my counsellors as my comforters. Whereupon I happened to note how diversely their fortunes wrought upon them; especially in that point at which I did most aim, which was the employing of their times and pens. In Cicero, I saw that during his banishment, which was almost two years, he was so softened and dejected, as he wrote nothing but a few womanish epistles. And yet, in mine opinion, he had least reason of the three to be discouraged: for that although it was judged, and judged by the highest kind of judgment, in form of statute or law, that he should be banished, and his whole estate confiscated and seized, and his houses pulled down, and that it should be highly penal for any man to propound a repeal; yet his case even then had no great blot of ignominy; for it was but a tempest of popularity which overthrew him. Demosthenes contrariwise, though his case was foul, being condemned

for bribery, and not simple bribery, but bribery in the nature of treason and disloyalty, yet nevertheless took so little knowledge of his fortune, as during his banishment he did much busy himself, and intermeddle with matters of state; and took upon him to counsel the state, as if he had been still at the helm, by letters; as appears by some epistles of his which are extant. Seneca, indeed, who was condemned for many corruptions and crimes, and banished into a solitary island, kept a mean; and though his pen did not freeze, yet he abstained from intruding into matters of business; but spent his time in writing books of excellent argument and use for all ages; though he might have made better choice, sometimes, of his dedications.

These examples confirmed me much in a resolution, whereunto I was otherwise inclined, to spend my time wholly in writing; and to put forth that poor talent, or half talent, or what it is, that God hath given me, not as heretofore to particular exchanges, but to banks, or mounts of perpetuity, which will not break. Therefore having not long since set forth a part of my "Instauration;" which is the work, that in mine own judgment, si nunquam fallit imago, I do most esteem; I think to proceed in some new parts thereof. And although I have received from many parts beyond the seas, testimonies touching that work, such as beyond which I could not expect at the first in so abstruse an argument; yet nevertheless I have just cause to doubt, that it flies too high over men's heads: I have a purpose therefore, though I break the order of time, to draw it down to the sense, by some patterns of a "Natural Story and Inquisition." And again, for that my book of "Advancement of Learning" may be some preparative, or key, for the better opening of the "Instauration;" because it exhibits a mixture of new conceits and old; whereas the "Instauration" gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake; I have thought good to procure a translation of that book into the general language, not without great and ample additions, and enrichment thereof, especially in the second book, which handleth the partition of sciences; in such sort, as I hold it may serve in lieu of the first part of the "Instauration," and acquit my promise in that part. Again, because I cannot altogether desert the civil person that I have born; which if I should forget, enough would remember; I have also entered into a work touching Laws, propounding a character of justice in a middle term, between the speculative and reverend discourses of philosophers, and the writings of lawyers, which are tied and obnoxious to their particular laws. And although it be true, that I had a purpose to make a particular digest, or recompilement of the laws of mine own nation; yet because it is a work of assistance, and that which I cannot master by mine own forces and pen, I have laid it aside. Now having in the work of my "Instauration" had in contemplation the general good of men in their very being, and the dowries of nature; and in my work of laws, the general good of men likewise in society, and the dowries of government; I thought in duty I owed somewhat unto my own country, which I ever loved; insomuch as although my place hath been far above my desert, yet my thoughts and cares concerning the good thereof were beyond, and over, and above my place: so now being, as I am, no more able to do my country service, it remained unto me to do it honour: which I have endeavoured to do in my work of "The Reign of King Henry the Seventh." As for my "Essays," and some other particulars of that nature, I count them but as the recreations of my other studies, and in that sort purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and embracement, perhaps, yield more lustre and reputation to my name than those other which I have in hand. But I account the use that a man should seek of the publishing of his own writings before his death, to be but an untimely anticipation of that which is proper to follow a man, and not to go along with him.

But revolving with myself my writings, as well those which I have published, as those which I had in hand, methought they went all into the city, and none into the temple; where, because I have found so great consolation, I desire likewise to make some poor oblation. Therefore I have chosen an argument, mixt of religious and civil considerations; and likewise mixt between contemplative and active. For who can tell whether there may not be an exoriere aliquis? Great matters, especially if they be religious, have, many times, small beginnings: and the platform may draw on the building. This work, because I was ever an enemy to flattering dedications, I have dedicated to your lordship, in respect of our ancient and private acquaintance; and because amongst the men of our times I hold you in special reverence.

Your Lordship's loving Friend,

FR. ST. ALBAN.

THE PERSONS THAT SPEAK:

EUSEBIUS, GAMALIEL, ZEBEDÆUS, MARTIUS, EUPOLIS, POLLIO.

THERE met at Paris, in the house of Eupolis, *Eusebius, Zebedæus, Gamaliel, Martius, all persons of eminent quality, but of several dispositions. Eupolis himself was also present; and while they were

* Characters of the persons. Eusebius beareth the character of a moderate divine: Gamaliel of a protestant zealot: Zebedæus of a Roman catholic zealot: Martius of a military man: Eupolis of a politic: Pollio of a courtier.

et in conference, Pollio came in to them from court; nd as soon as he saw them, after his witty and leasant manner, he said,

Pollio. Here be four of you, I think, were able o make a good world; for you are as differing as he four elements, and yet you are friends. As for Eupolis, because he is temperate, and without assion, he may be the fifth essence.

Eupolis. If we five, Pollio, make the great world, ou alone make the little; because you profess, and practise both, to refer all things to yourself. *Pollio.* And what do they that practise it, and profess it not? *Eupolis.* They are the less hardy, and the more dangerous. But come and sit down with us, for we were speaking of the affairs of christendom at this day; wherein we would be glad also to have your opinion. *Pollio.* My lords, I have journeyed this morning, and it is now the heat of the day; therefore your lordships' discourses had need content my ears very well, to make them entreat mine eyes to keep open. But yet if you will give me leave to awake you, when I think your discourses do but sleep, I will keep watch the best I can. *Eupolis.* You cannot do us a greater favour. Only I fear you will think all our discourses to be but the better sort of dreams; for good wishes without power to effect, are not much more. But, Sir, when you came in, Martius had both raised our attentions, and affected us with some speech he had begun; and it falleth out well, to shake off your drowsiness; for it seemed to be the trumpet of a war. And therefore, Martius, if it please you, to begin again; for the speech was such, as deserveth to be heard twice; and I assure you, your auditory is not a little amended by the presence of Pollio. *Martius.* When you came in, Pollio, I was saying freely to these lords, that I had observed, how by the space now of half a century of years, there had been, if I may speak it, a kind of meanness in the designs and enterprises of christendom. Wars with subjects, like an angry suit for a man's own, that might be better ended by accord. Some petty acquests of a town, or a spot of territory; like a farmer's purchase of a close or nook of ground, that lay fit for him. And although the wars had been for a Naples, or a Milan, or a Portugal, or a Bohemia, yet these wars were but as the wars of heathens, of Athens, or Sparta, or Rome, for secular interest, or ambition, not worthy the warfare of christians. The church, indeed, maketh her missions into the extreme parts of the nations and isles, and it is well: but this is "Ecce unus gladius hic." The christian princes and potentates are they that are wanting to the propagation of the faith by their arms. Yet, our Lord, that said on earth, to the disciples, "Ite et prædicate," said from heaven to Constantine, "In hoc signo vince." What christian soldier is there that will not be touched with a religious emulation to see an order of Jesus, or of St. Francis, or of St. Augustine, do such service, for enlarging the christian borders; and an order of St. Jago, or St. Michael, or St. George, only to robe, and feast, and perform rites and observances? Surely the merchants themselves shall rise in judgment against the princes and nobles of Europe; for they have made a great path in the seas, unto the ends of the world; and set forth ships, and forces, of Spanish, English, and Dutch, enough to make China tremble: and all this, for pearl, or stone, or spices: but for the pearl of the kingdom of heaven, or the stones of the heavenly Jerusalem, or the spices of the spouse's garden, not a mast hath been set up: nay, they can make shift to shed christian blood so far off amongst themselves, and not a drop for the cause of Christ. But let me recall myself; I must acknowledge, that within the space of fifty years, whereof I spake, there have been three noble and memorable actions upon the infidels, wherein the christian hath been the invader: for where it is upon the defensive, I reckon it a war of nature, and not of piety. The first was, that famous and fortunate war by sea, that ended in the victory of Lepanto; which hath put a hook into the nostrils of the Ottomans to this day; which was the work chiefly of that excellent pope Pius Quintus, whom I wonder his successors have not declared a saint. The second was, the noble, though unfortunate, expedition of Sebastian king of Portugal upon Africa, which was achieved by him alone; so alone, as left somewhat for others to excuse. The last was, the brave incursions of Sigismund the Transylvanian prince, the thread of whose prosperity was cut off by the christians themselves, contrary to the worthy and paternal monitories of pope Clement the eighth. More than these, I do not remember. *Pollio.* No! What say you to the extirpation of the Moors of Valentia? At which sudden question, Martius was a little at a stop; and Gamaliel prevented him, and said: *Gamaliel.* I think Martius did well in omitting that action, for I, for my part, never approved it; and it seems, God was not well pleased with that deed; for you see the king, in whose time it passed, whom you catholics count a saint-like and immaculate prince, was taken away in the flower of his age: and the author, and great counsellor of that rigour, whose fortunes seemed to be built upon the rock, is ruined: and it is thought by some, that the reckonings of that business are not yet cleared with Spain; for that numbers of those supposed Moors, being tried now by their exile, continue constant in the faith, and true christians in all points, save in the thirst of revenge. *Zebed.* Make not hasty judgment, Gamaliel, of that great action, which was as Christ's fan in those countries, except you could show some such covenant from the crown of Spain, as Joshua made with the Gibeonites; that that cursed seed should continue in the land. And you see it was done by edict, not tumultuously; the sword was not put into the people's hand. *Eupol.* I think Martius did omit it, not as making any judgment of it either way, but because it sorted not aptly with action of war, being upon subjects, and without resistance. But let us, if you think good, give Martius leave to proceed in his discourse; for methought he spake like a divine in armour. *Martius.* It is true, Eupolis, that the principal object which I have before mine eyes, in that whereof I speak, is piety and religion. But, nevertheless, if I should speak

only as a natural man, I should persuade the same thing. For there is no such enterprise, at this day, for secular greatness, and terrene honour, as a war upon infidels. Neither do I in this propound a novelty, or imagination, but that which is proved by late examples of the same kind, though perhaps of less difficulty. The Castilians, the age before that wherein we live, opened the new world; and subdued and planted Mexico, Peru, Chili, and other parts of the West Indies. We see what floods of treasure have flowed into Europe by that action; so that the cense or rates of christendom are raised since ten times, yea twenty times told. Of this treasure, it is true, the gold was accumulate, and store treasure, for the most part; but the silver is still growing. Besides, infinite is the access of territory and empire, by the same enterprise. For there was never a hand drawn, that did double the rest of the habitable world, before this: for so a man may truly term it, if he shall put to account, as well that that is, as that which may be hereafter, by the farther occupation and colonizing of those countries. And yet it cannot be affirmed, if one speak ingenuously, that it was the propagation of the christian faith that was the adamant of that discovery, entry, and plantation; but gold and silver, and temporal profit and glory: so that what was first in God's providence, was but second in man's appetite and intention. The like may be said of the famous navigations and conquests of Emanuel, king of Portugal, whose arms began to circle Afric and Asia; and to acquire, not only the trade of spices, and stones, and musk, and drugs, but footing, and places, in those extreme parts of the east. For neither in this was religion the principal, but amplification and enlargement of riches and dominion. And the effect of these two enterprises is now such, that both the East and the West Indies being met in the crown of Spain, it is come to pass, that, as one saith in a brave kind of expression, the sun never sets in the Spanish dominions, but ever shines upon one part or other of them: which, to say truly, is a beam of glory, though I cannot say it is so solid a body of glory, wherein the crown of Spain surpasseth all the former monarchies. So as, to conclude, we may see, that in these actions, upon gentiles or infidels, only or chiefly, both the spiritual and temporal honour and good have been in one pursuit and purchase conjoined. *Pollio.* Methinks, with your favour, you should remember, Martius, that wild and savage people are like beasts and birds, which are feræ natura, the property of which passeth with the possession, and goeth to the occupant; but of civil people, it is not so. *Martius.* I know no such difference amongst reasonable souls; but that whatsoever is in order to the greatest and most general good of people, may justify the action, be the people more or less civil. But, Eupolis, I shall not easily grant, that the people of Peru or Mexico were such brute savages as you intend; or that there should be any such difference between them, and many of the infidels which are now in other parts. In Peru, though they were unapparel people, according to the clime, and had some customs very barbarous, yet the government of t Incas had many parts of humanity and civili They had reduced the nations from the adorat of a multitude of idols and fancies, to the adorati of the sun. And, as I remember, the book of W dom noteth degrees of idolatry; making that worshipping petty and vile idols more gross th simply the worshipping of the creature. And so of the prophets, as I take it, do the like, in t metaphor of more ugly and bestial fornication. T Peruvians also, under the Incas, had magnifie temples of their superstition; they had strict a regular justice; they bare great faith and obedien to their kings; they proceeded in a kind of m tial justice with their enemies, offering them th law, as better for their own good, before they dr their sword. And much like was the state of Me ico, being an elective monarchy. As for the people of the east, Goa, Calacute, Malacca, th were a fine and dainty people; frugal and yet e gant, though not military. So that, if things be rig ly weighed, the empire of the Turks may be tr affirmed to be more barbarous than any of the A cruel tyranny, bathed in the blood of their emp rors upon every succession; a heap of vassals a slaves; no nobles; no gentlemen; no freemen; inheritance of land; no styrp or ancient famile a people that is without natural affection; and the Scripture saith, that "regardeth not the des of women;" and without piety or care towards th children: a nation without morality, without lette arts, or sciences; that can scarce measure an acre land, or an hour of the day: base and sluttish buildings, diets, and the like; and in a word, a re reproach of human society: and yet this nation ha made the garden of the world a wilderness; for th as it is truly said concerning the Turks, where O toman's horse sets his foot, people will come very thin.

Pollio. Yet in the midst of your invective, Ma tius, do the Turks this right, as to remember th they are no idolaters: for if, as you say, there be difference between worshipping a base idol, and th sun, there is a much greater difference betwe worshipping a creature, and the Creator. For th Turks do acknowledge God the Father, Creator heaven and earth, being the first person in the Tr nity, though they deny the rest. At which speec when Martius made some pause, Zebedæus repli with a countenance of great reprehension and sev rity. *Zebed.* We must take heed, Pollio, that w fall not unawares into the heresy of Manuel Com nenus emperor of Græcia, who affirmed that Mah met's God was the true God; which opinion wa not only rejected and condemned by the synod, bu imputed to the emperor as extreme madness; bein reproached to him also by the bishop of Thessalo nica, in those bitter and strange words, as are as to be named. *Martius.* I confess that it is my opinion, that a war upon the Turk is more worthy than upon any other gentiles, infidels, or savages that either have been, or now are, both in point of religion, and in point of honour; though facility, and hope of success, might, perhaps, invite some

other choice. But before I proceed, both myself would be glad to take some breath; and I shall frankly desire, that some of your lordships would take your turn to speak, that can do it better. But chiefly, for that I see here some that are excellent interpreters of the divine law, though in several ways; and that I have reason to distrust mine own judgment, both as weak in itself, and as that which may be overborne by my zeal and affection to this cause. I think it were an error to speak farther, till I may see some sound foundation laid of the lawfulness of the action, by them that are better versed in that argument. *Eupolis.* I am glad, Martius, to see in a person of your profession so great moderation, in that you are not transported in an action that warms the blood, and is appearing holy, to blanch or take for admitted the point of lawfulness. And because, methinks, this conference prospers, if your lordships will give me leave, I will make some motion touching the distribution of it into parts. Unto which when they all assented, Eupolis said: *Eupolis.* I think it would not sort amiss, if Zebedeus would be pleased to handle the question, Whether a war for the propagation of the christian faith, without other cause of hostility, be lawful or no, and in what cases? I confess also I would be glad to go a little farther, and to hear it spoken to concerning the lawfulness, not only permissively, but whether it be not obligatory to christian princes and states to design it; which part, if it please Gamaliel to undertake, the point of the lawfulness taken simply will be complete. Yet there resteth the comparative: that is, it being granted, that it is either lawful or binding, yet whether other things be not to be preferred before it; as extirpation of heresies, reconcilements of schisms, pursuit of lawful temporal rights and quarrels, and the like; and how far this enterprise ought either to wait upon these other maters, or to be mingled with them, or to pass by them, and give law to them, as inferior unto itself? And because this is a great part, and Eusebius hath yet said nothing, we will by way of mulct or pain, if your lordships think good, lay it upon him. All this while, I doubt much that Pollio, who hath a sharp wit of discovery towards what is solid and real, and what is specious and airy, will esteem all this but impossibilities, and eagles in the clouds: and therefore we shall all entreat him to crush this argument with his best forces; that by the light we shall take from him, we may either cast it away, if it be found but a bladder, or discharge it of so much as is vain and not sperable. And because I confess I myself am not of that opinion, although it be a hard encounter to deal with Pollio, yet I shall do my best to prove the enterprise possible; and to show how all impediments may be either removed or overcome. And then it will be fit for Martius, if we do not desert it before, to resume his farther discourse, as well for the persuasive, as for the consult, touching the means, preparations, and all that may conduce unto the enterprise. But this is but my wish, your lordships will put it into better order. They all not only allowed the distribution, but accepted the parts: but because the day was spent, they agreed to defer it till the next morning. Only Pollio said:

Pollio. You take me right, Eupolis, for I am of opinion, that except you could bray christendom in a mortar, and mould it into a new paste, there is no possibility of an holy war. And I was ever of opinion, that the philosophers' stone, and an holy war, were but the rendezvous of cracked brains, that wore their feather in their head instead of their hat. Nevertheless, believe me of courtesy, that if you five shall be of another mind, especially after you have heard what I can say, I shall be ready to certify with Hippocrates, that Athens is mad, and Democritus is only sober. And, lest you should take me for altogether adverse, I will frankly contribute to the business now at first. Ye, no doubt, will amongst you devise and discourse many solemn matters: but do as I shall tell you. This pope is decrepit, and the bell goeth for him. Take order, that when he is dead, there be chosen a pope of fresh years, between fifty and threescore; and see that he take the name of Urban, because a pope of that name did first institute the croisado, and as with an holy trumpet, did stir up the voyage for the Holy Land. *Eupolis.* You say well; but be, I pray you, a little more serious in this conference.

The next day the same persons met as they had appointed; and after they were set, and that there had passed some sporting speeches from Pollio, how the war was already begun; for that, he said, he had dreamt of nothing but Janizaries, and Tartars, and Sultans all the night long: Martius said: *Martius.* The distribution of this conference, which was made by Eupolis yesternight, and was by us approved, seemeth to me perfect, save in one point; and that is, not in the number, but in the placing of the parts. For it is so disposed, that Pollio and Eupolis shall debate the possibility or impossibility of the action, before I shall deduce the particulars of the means and manner by which it is to be achieved. Now I have often observed in deliberations, that the entering near hand into the manner of performance, and execution of that which is under deliberation, hath quite overturned the opinion formerly conceived, of the possibility or impossibility. So that things, that at the first show seemed possible, by ripping up the performance of them, have been convicted of impossibility; and things that on the other side have showed impossible, by the declaration of the means to effect them, as by a back light, have appeared possible, the way through them being discerned. This I speak not to alter the order, but only to desire Pollio and Eupolis not to speak peremptorily, or conclusively touching the point of possibility, till they have heard me deduce the means of the execution: and that done, to reserve themselves at liberty for a reply, after they had before them, as it were, a model of the enterprise. This grave and solid advertisement and caution of Martius was commended by them all. Whereupon Eupolis said: *Eupolis.* Since Martius hath begun to refine that which was yesternight resolved; I may the better have leave, especially in the mending of a proposition, which was

mine own, to remember an omission which is more than a misplacing. For I doubt we ought to have added or inserted into the point of lawfulness, the question, how far an holy war is to be pursued, whether to displanting and extermination of people? And again, whether to enforce a new belief, and to vindicate or punish infidelity; or only to subject the countries and people; and so by the temporal sword to open a door for the spiritual sword to enter, by persuasion, instruction, and such means as are proper for souls and consciences? But it may be, neither is this necessary to be made a part by itself; for that Zebedæus, in his wisdom, will fall into it as an incident to the point of lawfulness, which cannot be handled without limitations and distinctions.

Zebedæus. You encourage me, Eupolis, in that I perceive, how in your judgment, which I do so much esteem, I ought to take that course, which of myself I was purposed to do. For as Martius noted well, that it is but a loose thing to speak of possibilities, without the particular designs; so is it to speak of lawfulness without the particular cases. I will therefore first of all distinguish the cases; though you shall give me leave, in the handling of them, not to sever them with too much preciseness; for both it would cause needless length, and we are not now in arts or methods, but in a conference. It is therefore first to be put to question in general, as Eupolis propounded it, whether it be lawful for christian princes or states to make an invasive war, only and simply for the propagation of the faith, without other cause of hostility, or circumstance that may provoke and induce the war?

Secondly, Whether, it being made part of the case, that the countries were once christian, and members of the church, and where the golden candlesticks did stand, though now they be utterly alienated, and no christians left; it be not lawful to make a war to restore them to the church, as an ancient patrimony of Christ? Thirdly, if it be made a farther part of the case, that there are yet remaining in the countries multitudes of christians, whether it be not lawful to make a war to free them, and deliver them from the servitude of the infidels? Fourthly, whether it be not lawful to make a war for the purging and recovery of consecrated places, being now polluted and profaned; as the holy city and sepulchre, and such other places of principal adoration and devotion? Fifthly, whether it be not lawful to make a war for the revenge or vindication of blasphemies and reproaches against the Deity and our blessed Saviour; or for the effusion of christian blood, and cruelties against christians, though ancient and long since past; considering that God's visits are without limitation of time; and many times do but expect the fulness of the sin? Sixthly, it is to be considered, as Eupolis now last well remembered, whether a holy war, which, as in the worthiness of the quarrel, so in the justness of the prosecution, ought to exceed all temporal wars, may be pursued, either to the expulsion of people, or the enforcement of consciences, or the like extremities; or how to be moderated and limited; lest while we remember we are christians, we forget that others are men? But there is a point that precedeth all these points recited; nay, and in a manner dischargeth them, in the particular of a war against the Turk: which point, I think, would not have come into my thought, but that Martius giving us yesterday a representation of the empire of the Turks, with no small vigour of words, which you, Pollio, called an invective, but was indeed a true charge, did put me in mind of it: and the more I think upon it, the more I settle in opinion, that a war to suppress that empire, though we set aside the cause of religion, were a just war. After Zebedæus had said this, he made a pause, to see whether any of the rest would say any thing: but when he perceived nothing but silence, and signs of attention to that he would farther say, he proceeded thus:

Zebedæus. Your lordships will not look for a treatise from me, but a speech of consultation; and in that brevity and manner will I speak. First, I shall agree, that as the cause of a war ought to be just, so the justice of that cause ought to be evident; not obscure, not scrupulous. For by the consent of all laws, in capital causes, the evidence must be full and clear: and if so where one man's life is in question, what say we to a war, which is ever the sentence of death upon many? We must beware therefore how we make a Moloch, or a heathen idol, of our blessed Saviour, in sacrificing the blood of men to him by an unjust war. The justice of every action consisteth in the merits of the cause, the warrant of the jurisdiction, and the form of the prosecution. As for the inward intention, I leave it to the court of heaven. Of these things severally, as they may have relation to the present subject of a war against infidels: and namely, against the most potent and most dangerous enemy of the faith, the Turk. I hold, and I doubt not but I shall make it plain, as far as a sum or brief can make a cause plain, that a war against the Turk is lawful, both by the laws of nature and nations, and by the law divine, which is the perfection of the other two. As for the laws positive and civil of the Romans, or others whatsoever, they are too small engines to move the weight of this question. And therefore, in my judgment, many of the late schoolmen, though excellent men, take not the right way in disputing this question; except they had the gift of Navius, that they could, "cotem novacula scindere," hew stones with pen-knives. First, for the law of nature. The philosopher Aristotle is no ill interpreter thereof. He hath set many men on work with a witty speech of natura dominus, and natura servus; affirming expressly and positively, that from the very nativity some things are born to rule, and some things to obey: which oracle hath been taken in divers senses. Some have taken it for a speech of ostentation, to entitle the Grecians to an empire over the barbarians; which indeed was better maintained by his scholar Alexander. Some have taken it for a speculative platform, that reason and nature would that the best should govern; but not in any wise to create a right. But for my part, I take it neither for a brag, nor for a wish; but for a truth

as he limiteth it. For he saith, that if there can be found such an inequality between man and man, as there is between man and beast, or between soul and body, it investeth a right of government: which seemeth rather an impossible case than an untrue sentence. But I hold both the judgment true, and the case possible; and such as hath had, and hath a being, both in particular men and nations. But ere we go farther, let us confine ambiguities and mistakings, that they trouble us not. First, to say that the more capable, or the better deserver, hath such right to govern, as he may compulsorily bring under the less worthy, is idle. Men will never agree upon it, who is the more worthy. For it is not only in order of nature, for him to govern that is the more intelligent, as Aristotle would have it; but there is no less required for government, courage to protect; and above all, honesty and probity of the will to abstain from injury. So fitness to govern is a perplexed business. Some men, some nations, excel in the one ability, some in the other. Therefore the position which I intend, is not in the comparative, that the wiser, or the stouter, or the juster nation should govern; but in the privative, that where there is a heap of people, though we term it a kingdom or state, that is altogether unable or indign to govern; there it is a just cause of war for another nation, that is civil or policed, to subdue them: and this, though it were to be done by a Cyrus or a Cæsar, that were no christian. The second mistaking to be banished is, that I understand not this of a personal tyranny, as was the state of Rome under a Caligula, or a Nero, or a Commodus: shall the nation suffer for that wherein they suffer? But when the constitution of the state, and the fundamental customs and laws of the same, if laws they may be called, are against the laws of nature and nations, then, I say, a war upon them is lawful. I shall divide the question into three parts. First, whether there be, or may be any nation or society of men, against whom it is lawful to make a war, without a precedent injury or provocation? Secondly, what are those breaches of the law of nature and nations, which do forfeit and divest all right and title in a nation to govern? And thirdly, whether those breaches of the law of nature and nations be found in any nation at this day; and namely, in the empire of the Ottomans? For the first, I hold it clear that such nations, or states, or societies of people, there may be and are. There cannot be a better ground laid to declare this, than to look into the original donation of government. Observe it well, especially the inducement, or preface. Saith God: "Let us make man after our own image, and let him have dominion over the fishes of the sea, and the fowls of the air, and the beasts of the land," &c. Hereupon De Victoria, and with him some others, infer excellently, and extract a most true and divine aphorism, "Non fundatur dominium, nisi in imagine Dei." Here we have the charter of foundation: it is now the more easy to judge of the forfeiture or reseizure. Deface the image, and you divest the right. But what is this image, and how is it defaced? The poor men of Lyons, and some fanatical spirits, will tell you, that the image of God is purity; and the defacement, sin. But this subverteth all government: neither did Adam's sin, or the curse upon it, deprive him of his rule, but left the creatures to a rebellion or reluctation. And therefore if you note it attentively, when this charter was renewed unto Noah and his sons, it is not by the words, "You shall have dominion;" but "Your fear shall be upon all the beasts of the land, and the birds of the air, and all that moveth:" not regranting the sovereignty, which stood firm; and protecting it against the reluctation. The sound interpreters therefore expound this image of God, of natural reason; which if it be totally or mostly defaced, the right of government doth cease; and if you mark all the interpreters well, still they doubt of the case, and not of the law. But this is properly to be spoken to in handling the second point, when we shall define of the defacements. To go on: The prophet Hosea, in the person of God, said of the Jews; "They have reigned, but not by me; they have set a seigniory over themselves, but I knew nothing of it." Which place proveth plainly, that there are governments which God doth not avow. For though they be ordained by his secret providence, yet they are not acknowledged by his revealed will. Neither can this be meant of evil governors or tyrants: for they are often avowed and established as lawful potentates; but of some perverseness and defection in the very nation itself; which appeareth most manifestly in that the prophet speaketh of the seigniory in abstracto, and not of the person of the Lord. And although some heretics of those we speak of have abused this text, yet the sun is not soiled in passage. And again, if any man infer upon the words of the prophet following, which declare this rejection, and, to use the words of the text, rescission of their estate to have been for their idolatry, that by this reason the governments of all idolatrous nations should be also dissolved, which is manifestly untrue, in my judgment it followeth not. For the idolatry of the Jews then, and the idolatry of the heathen then and now, are sins of a far differing nature, in regard of the special covenant, and the clear manifestations wherein God did contract and exhibit himself to that nation. This nullity of policy, and right of estate in some nations, is yet more significantly expressed by Moses in his canticle; in the person of God to the Jews: "Ye have incensed me with gods that are no gods, and I will incense you with a people that are no people:" such as were, no doubt, the people of Canaan, after seisin was given of the land of promise to the Israelites. For from that time their right to the land was dissolved, though they remained in many places unconquered. By this we may see, that there are nations in name, that are no nations in right, but multitudes only, and swarms of people. For like as there are particular persons outlawed and proscribed by civil laws of several countries; so are there nations that are outlawed and proscribed by the law of nature and nations, or by the immediate commandment of God. And as there are kings de facto, and not de

jure, in respect of the nullity of their title; so are there nations that are occupants de facto, and not de jure, of their territories, in respect of the nullity of their policy or government. But let us take in some examples into the midst of our proofs; for they will prove as much as put after, and illustrate more. It was never doubted, but a war upon pirates may be lawfully made by any nation, though not infested or violated by them. Is it because they have not certas sedes or lares? In the piratical war which was achieved by Pompey the Great, and was his truest and greatest glory, the pirates had some cities, sundry ports, and a great part of the province of Cilicia; and the pirates now being, have a receptacle and mansion in Algiers. Beasts are not less savage because they have dens. Is it because the danger hovers as a cloud, that a man cannot tell where it will fall; and so it is every man's case? The reason is good, but it is not all, nor that which is most alleged. For the true received reason is, that pirates are communes humani generis hostes; whom all nations are to prosecute, not so much in the right of their own fears, as upon the band of human society. For as there are formal and written leagues, respective, to certain enemies; so is there a natural and tacit confederation amongst all men, against the common enemy of human society. So as there needs no intimation, or denunciation of the war; there needs no request from the nation grieved: but all these formalities the law of nature supplies in the case of pirates. The same is the case of rovers by land; such as yet are some cantons in Arabia, and some petty kings of the mountains, adjacent to straits and ways. Neither is it lawful only for the neighbour princes to destroy such pirates or rovers, but if there were any nation never so far off, that would make it an enterprise of merit and true glory, as the Romans that made a war for the liberty of Græcia from a distant and remote part, no doubt they might do it. I make the same judgment of that kingdom of the assassins now destroyed, which was situate upon the borders of Saraca; and was for a time a great terror to all the princes of the Levant. There the custom was, that upon the commandment of their king, and a blind obedience to be given thereunto, any of them was to undertake, in the nature of a votary, the insidious murder of any prince, or person, upon whom the commandment went. This custom, without all question, made their whole government void, as an engine built against human society, worthy by all men to be fired and pulled down. I say the like of the anabaptists of Munster; and this, although they had not been rebels to the empire; and put case likewise that they had done no mischief at all actually, yet if there shall be a congregation and consent of people, that shall hold all things to be lawful, not according to any certain laws or rules, but according to the secret and variable motions and instincts of the spirit; this is indeed no nation, no people, no seigniory, that God doth know; any nation that is civil and policed, may, if they will not be reduced, cut them off from the face of the earth. Now let me put a feigned case, and yet antiquity makes it doubtful whether it was fiction or history, of a land of Amazons, where the whole government public and private, yea, the militia itself, was in the hands of women. I demand, is not such a preposterous government, against the first order of nature, for women to rule over men, in itself void, and to be suppressed? I speak not of the reign of women, for that is supplied by counsel, and subordinate magistrates masculine, but where the regiment of state, justice, families, is all managed by women. And yet this last case differeth from the other before, because in the rest there is terror of danger, but in this there is only error of nature. Neither should I make any great difficulty to affirm the same of the sultanry of the Mamalukes; where slaves, and none but slaves, bought for money, and of unknown descent, reigned over families of freemen. And much like were the case, if you suppose a nation, where the custom were, that after full age the sons should expulse their fathers and mothers out of their possessions, and put them to their pensions: for these cases, of women to govern men, sons the fathers, slaves, freemen, are much in the same degree; all being total violations and perversions of the laws of nature and nations. For the West Indies, I perceive, Martius, you have read Garcilazzo de Viega, who himself was descended of the race of the Incas, a Mestizo, and is willing to make the best of the virtues and manners of his country: and yet in troth he doth it soberly and credibly enough. Yet you shall hardly edify me, that those nations might not by the law of nature have been subdued by any nation, that had only policy and moral virtue; though the propagation of the faith, whereof we shall speak in the proper place, were set by, and not made part of the case. Surely their nakedness, being with them, in most parts of that country, without all vail or covering, was a great defacement: for in the acknowledgment of nakedness was the first sense of sin; and the heresy of the Adamites was ever accounted an affront of nature. But upon these I stand not: nor yet upon their idiocy, in thinking that horses did eat their bits, and letters speak, and the like: nor yet upon their sorceries, which are almost common to all idolatrous nations. But, I say, their sacrificing, and more especially their eating of men, is such an abomination, as, methinks, a man's face should be a little confused, to deny, that this custom, joined with the rest, did not make it lawful for the Spaniards to invade their territory, forfeited by the law of nature; and either to reduce them or displant them. But far be it from me, yet nevertheless, to justify the cruelties which were at first used towards them; which had their reward soon after, there being not one of the principal of the first conquerors, but died a violent death himself; and was well followed by the deaths of many more. Of examples enough: except we should add the labours of Hercules; an example, which though it be flourished with much fabulous matter, yet so much it hath, that it doth notably set forth the consent of all nations and ages, in the approbation of the extirpating and debellating of giants, monsters, and foreign tyrants, not only as lawful, but as meritorious even of divine honour: and this although

the deliverer came from the one end of the world unto the other. Let us now set down some arguments to prove the same; regarding rather weight than number, as in such a conference as this is fit. The first argument shall be this. It is a great error, and a narrowness or straitness of mind, if any man think, that nations have nothing to do one with another, except there be either an union in sovereignty, or a conjunction in parts or leagues. There are other bands of society, and implicit confederations. That of colonies, or transmigrants, towards their mother nation. Gentes unius labii is somewhat; for as the confusion of tongues was a mark of separation, so the being of one language is a mark of union. To have the same fundamental laws and customs in chief is yet more, as it was between the Grecians in respect of the barbarians. To be of one sect or worship; if it be a false worship, I speak not of it, for that is but fratres in malo. But above all these, there is the supreme and indissoluble consanguinity and society between men in general: of which the heathen poet, whom the apostle calls to witness, saith, "We are all his generation." But much more we christians, unto whom it is revealed in particularity, that all men came from one lump of earth; and that two singular persons were the parents from whom all the generations of the world are descended: we, I say, ought to acknowledge, that no nations are wholly aliens and strangers the one to the other; and not to be less charitable than the person introduced by the comic poet, "Homo sum, humani nihil a me alienum puto." Now if there be such a tacit league or confederation, sure it is not idle; it is against somewhat, or somebody: who should they be? Is it against wild beasts; or the elements of fire and water? No, it is against such routs and shoals of people, as have utterly degenerated from the laws of nature; as have in their very body and frame of estate a monstrosity; and may be truly accounted, according to the examples we have formerly recited, common enemies and grievances of mankind; or disgraces and reproaches to human nature. Such people, all nations are interessed, and ought to be resenting, to suppress; considering that the particular states themselves, being the delinquents, can give no redress. And this, I say, is not to be measured so much by the principles of jurists, as by lex charitatis; lex proximi, which includes the Samaritan as well as the Levite; lex filiorum Adæ de massa una: upon which original laws this opinion is grounded: which to deny, if a man may speak freely, were almost to be a schismatic in nature.

[*The rest was not perfected.*]

THE

LORD BACON'S QUESTIONS

ABOUT THE

LAWFULNESS OF A WAR FOR THE PROPAGATION OF RELIGION.

Questions wherein I desire opinion, joined with arguments and authorities.

Tenison's "Baconiana," p. 179.

WHETHER a war be lawful against infidels, only for the propagation of the christian faith, without other cause of hostility?

Whether a war be lawful to recover to the church countries which formerly have been christian, though now alienate, and christians utterly extirpated?

Whether a war be lawful, to free and deliver christians that yet remain in servitude and subjection to infidels?

Whether a war be lawful in revenge, or vindication, of blasphemy, and reproaches against the Deity and our Saviour? Or for the ancient effusion of christian blood, and cruelties upon christians?

Whether a war be lawful for the restoring and purging of the Holy Land, the sepulchre, and other principal places of adoration and devotion?

Whether, in the cases aforesaid, it be not obligatory to christian princes to make such a war, and not permissive only?

Whether the making of a war against the infidels be not first in order of dignity, and to be preferred before extirpations of heresies, reconcilements of schisms, reformation of manners, pursuits of just temporal quarrels, and the like actions for the public good; except there be either a more urgent necessity, or a more evident facility in those inferior actions, or except they may both go on together in some degree?

NOTES OF A SPEECH

CONCERNING A WAR WITH SPAIN.

THAT ye conceive there will be little difference in opinion, but that all will advise the king not to entertain farther a treaty, wherein he hath been so manifestly and so long deluded.

That the difficulty therefore will be in the consequences thereof; for to the breach of treaty, doth necessarily succeed a despair of recovering the Palatinate by treaty, and so the buisness falleth upon a war. And to that you will apply your speech, as being the point of importance, and besides, most agreeable to your profession and place.

To a war, such as may promise success, there are three things required: a just quarrel; sufficient forces and provisions; and a prudent and politic choice of the designs and actions whereby the war shall be managed.

For the quarrel, there cannot be a more just quarrel by the laws both of nature and nations, than for the recovery of the ancient patrimony of the king's children, gotten from them by an usurping sword, and an insidious treaty.

But farther, that the war well considered is not for the Palatinate only, but for England and Scotland; for if we stay till the Low Countrymen be ruined, and the party of the papists within the realm be grown too strong, England, Scotland, and Ireland are at the stake.

Neither doth it concern the state only, but our church: other kings, papists, content themselves to maintain their religion in their own dominions; but the kings of Spain run a course to make themselves protectors of the popish religion, even amongst the subjects of other kings; almost like the Ottomans, that profess to plant the law of Mahomet by the sword; and so the Spaniards do of the pope's law. And therefore if either the king's blood, or our own blood, or Christ's blood be dear unto us, the quarrel is just, and to be embraced.

For the point of sufficient forces, the balancing of the forces of these kingdoms and their allies, with Spain and their allies, you know to be a matter of great and weighty consideration; but yet to weigh them in a common understanding, for your part, you are of opinion that Spain is no such giant; or if he be a giant, it will be but like Goliah and David, for God will be on our side.

But to leave these spiritual considerations: you do not see in true discourse of peace and war, that we ought to doubt to be overmatched. To this opinion you are led by two things which lead all men; by experience, and by reason.

For experience; you do not find that for this age, take it for 100 years, there was ever any encounter between Spanish and English of importance, either by sea or land, but the English came off with the honour; witness the Lammas-day, the retreat of Gaunt, the battle of Newport, and some others: but there have been some actions, both by sea and land, so memorable as scarce suffer the less to be spoken of. By sea, that of eighty-eight, when the Spaniards, putting themselves most upon their stirrups, sent forth that invincible Armada which should have swallowed up England quick; the success whereof was, that although that fleet swam like mountains upon our seas, yet they did not so much as take a cock-boat of ours at sea, nor fire a cottage at land, but came through our channel, and were driven, as Sir Walter Raleigh says, by squibs, fire-boats he means, from Calais, and were soundly beaten by our ships in fight, and many of them sunk, and finally durst not return the way they came, but made a scattered perambulation, full of ship-wrecks, by the Irish and Scottish seas to get home again: just according to the curse of the Scripture, "that they came out against us one way, and fled before us seven ways." By land, who can forget the two voyages made upon the continent itself of Spain, that of Lisbon, and that of Cales, when in the former we knocked at the gates of the greatest city either of Spain or Portugal, and came off without seeing an enemy to look us in the face? And though we failed in our foundation, for that Antonio, whom we thought to replace in his kingdom, found no party at all, yet it was a true trial of the gentleness of Spain, which suffered us to go and come without any dispute. And for the latter, of Cales, it ended in victory; we ravished a principal city of wealth and strength in the high countries, sacked it, fired the Indian fleet that was in the port, and came home in triumph; and yet to this day were never put in suit for it, nor demanded reasons for our doings. You ought not to forget the battle of Kinsale in Ireland, what time the Spanish forces were joined with the Irish, good soldiers as themselves, or better, and exceeded us far in number, and yet they were soon defeated, and their general D'Avila taken prisoner, and that war by that battle quenched and ended.

And it is worthy to be noted how much our power in those days was inferior to our present state. Then, a lady old, and owner only of England, entangled with the revolt of Ireland, and her confederates of Holland much weaker, and in no conjuncture. Now, a famous king, and strengthened with a prince of singular expectation, and in the prime of his years, owner of the entire isle of Britain, enjoying Ireland populate and quiet, and infinitely more supported by confederates of the Low Countries, Denmark, divers

of the princes of Germany, and others. As for the comparison of Spain as it was then, and as it is now, you will for good respects forbear to speak; only you will say this, that Spain was then reputed to have the wisest council of Europe, and not a council that will come at the whistle of a favourite.

Another point of experience you would not speak of, if it were not that there is a wonderful erroneous observation, which walketh about, contrary to all the true account of time; and it is, that the Spaniard where he once gets in, will seldom or never be got out again; and they give it an ill-favoured simile which you will not name, but nothing is less true: they got footing at Brest, and some other parts in Britain, and quitted it: they had Calais, Ardes, Amiens, and were part beaten out, and part they rendered: they had Vercelles in Savoy, and fairly left it: they had the other day the Valtoline, and now have put it in deposit. What they will do at Ormus we shall see. So that, to speak truly of latter times, they have rather poached and offered at a number of enterprises, than maintained any constantly. And for Germany, in more ancient time, their great emperor Charles, after he had Germany almost in his fist, was forced in the end to go from Isburgh, as it were in a mask by torchlight, and to quit every foot of his new acquests in Germany, which you hope likewise will be the hereditary issue of this late purchase of the Palatinate. And thus much for experience.

For reason: it hath many branches; you will but extract a few first. It is a nation thin sown of men, partly by reason of the sterility of their soil; and partly because their natives are exhaust by so many employments in such vast territories as they possess, so that it hath been counted a kind of miracle to see together ten or twelve thousand native Spaniards in an army. And although they have at this time great numbers of miscellany soldiers in their armies and garrisons, yet, if there should be the misfortune of a battle, they are ever long about it to draw on supplies.

They tell a tale of a Spanish ambassador that was brought to see their treasury of St. Mark at Venice, and still he looked down to the ground; and being asked the reason, said, "he was looking to see whether the treasure had any root, so that, if that were spent, it would grow again; as his master's land." But, howsoever it be of their treasure, certainly their forces have scarcely any root, or at least such a root as putteth forth very poorly and slowly; whereas there is not in the world again such a spring and seminary of military people as is England, Scotland, and Ireland; nor of seamen, as is this island and the Low Countries: so as if the wars should mow them down, yet they suddenly may be supplied and come up again.

A second reason is, and it is the principal, that if we truly consider the greatness of Spain, it consisteth chiefly in their treasure, and their treasure in their Indies, and their Indies, both of them, is but an accession to such as are masters by sea; so as this axletree, whereupon their greatness turns, is soon cut a-two by any that shall be stronger than they at sea. So then you report yourself to their opinions, and the opinions of all men, enemies or whosoever; whether that the maritime forces of Britain and the Low Countries are not able to beat them at sea. For if that be, you see the chain is broken from shipping to Indies, from Indies to treasure, and from treasure to greatness.

The third reason, which hath some affinity with this second, is a point comfortable to hear in the state that we now are; wars are generally causes of poverty and consumption. The nature of this war, you are persuaded, will be matter of restorative and enriching; so that, if we go roundly on with supplies and provision at the first, the war in continuance will find itself. That you do but point at this, and will not enlarge it.

Lastly, That it is not a little to be considered, that the greatness of Spain is not only distracted extremely, and therefore of less force; but built upon no very sound foundations, and therefore they can have the less strength by any assured and confident confederacy. With France they are in competition for Navarre, Milan, Naples, and the Franche County of Burgundy; with the see of Rome, for Naples also: for Portugal with the right heirs of that line; for that they have in their Low Countries, with the United Provinces; for Ormus, now, with Persia; for Valencia, with the Moors expulsed and their confederates; for the East and West Indies, with all the world. So that if every bird had its feather, Spain would be left wonderful naked. But yet there is a greater confederation against them than by means of any of these quarrels or titles; and that is contracted by the fear that almost all nations have of their ambition, whereof men see no end. And thus much for the balancing of their forces.

For the last point, which is the choice of the designs and enterprises, in which to conduct the war; you will not now speak, because you should be forced to descend to divers particulars, whereof some are of a more open, and some of a more secret nature. But that you would move the house to make a selected committee for that purpose; not to estrange the house in any sort, but to prepare things for them, giving them power and commission to call before them, and to confer with any martial men or others that are not of the house, that they shall think fit, for their advice and information: and so to give an account of the business to a general committee of the whole house.

CONSIDERATIONS

TOUCHING

A WAR WITH SPAIN.

INSCRIBED TO PRINCE CHARLES,

ANNO MDCXXIV.

Your highness hath an imperial name. It was a Charles that brought the empire first into France; a Charles that brought it first into Spain; why should not Great Britain have its turn? But to lay aside all that may seem to have a show of fumes and fancies, and to speak solids: a war with Spain, if the king shall enter into it, is a mighty work; it requireth strong materials, and active motions. He that saith not so, is zealous, but not according to knowledge. But nevertheless Spain is no such giant: and he that thinketh Spain to be some great overmatch for this estate, assisted as it is, and may be, is no good mint-man; but takes greatness of kingdoms according to their bulk and currency, and not after their intrinsic value. Although therefore I had wholly sequestered my thoughts from civil affairs, yet because it is a new case and concerneth my country infinitely, I obtained of myself to set down, out of long continued experience in business of estate, and much conversation in books of policy and history, what I thought pertinent to this business; and in all humbleness present it to your highness: hoping that at least you will discern the strength of my affection through the weakness of my abilities: for the Spaniard hath a good proverb, "De suario si empre con la calentura;" there is no heat of affection, but is joined with some idleness of brain.

To a war are required, a just quarrel; sufficient forces and provisions; and a prudent choice of the designs. So then, I will first justify the quarrel; secondly, balance the forces; and lastly, propound variety of designs for choice, but not advise the choice; for that were not fit for a writing of this nature; neither is it a subject within the level of my judgment; I being, in effect, a stranger to the present occurrences.

Wars, I speak not of ambitious predatory wars, are suits of appeal to the tribunal of God's justice, where there are no superiors on earth to determine the cause: and they are, as civil pleas are, plaints, or defences. There are therefore three just grounds of war with Spain: one plaint, two upon defence. Solomon saith, "A cord of three is not easily broken:" but especially when every of the lines would hold single by itself. They are these: the recovery of the Palatinate; a just fear of the subversion of our civil estate; a just fear of the subversion of our church and religion. For in the handling of the two last grounds of war, I shall make it plain, that wars preventive upon just fears are true defensives, as well as upon actual invasions: and again, that wars defensive for religion, I speak not of rebellion, are most just; though offensive wars for religion are seldom to be approved, or never, unless they have some mixture of civil titles. But all that I shall say in this whole argument, will be but like bottoms of thread close wound up, which with a good needle, perhaps, may be flourished into large works.

For the asserting of the justice of the quarrel, for the recovery of the Palatinate, I shall not go so high as to discuss the right of the war of Bohemia; which if it be freed from doubt on our part, then there is no colour nor shadow why the Palatinate should be retained; the ravishing whereof was a mere excursion of the first wrong, and a super-injustice. But I do not take myself to be so perfect in the customs, transactions, and privileges of that kingdom of Bohemia, as to be fit to handle that part: and I will not offer at that I cannot master. Yet this I will say, in passage, positively and resolutely; that it is impossible an elective monarchy should be so free and absolute as an hereditary; no more than it is possible for a father to have so full power and interest in an adoptive son as in a natural; "quia naturalis obligatio fortior civili." And again, that received maxim is almost unshaken and infallible; "Nil magis naturæ consentaneum est, quam ut iisdem modis res dissolvantur, quibus constituuntur." So that if the part of the people or estate be somewhat in the election, you cannot make them nulls or ciphers in the privation or translation. And if it be said, that this is a dangerous opinion for the pope, emperor, and elective kings; it is true, it is a dangerous opinion, and ought to be a dangerous opinion, to such personal popes, emperors, or elective kings, as shall transcend their limits, and become tyrannical. But it is a safe and sound opinion for their sees, empires, and kingdoms; and for themselves also, if they be wise; "plenitudo potestatis est plenitudo tempestatis." But the chief cause why I do not search into this point is, because I need it not. And in handling the right of a war, I am not willing to intermix matter doubtful with that which is out of doubt. For as in capital causes, wherein but one man's life is in question, in favorem vitæ the evidence ought to be clear; so much more in a judgment upon a war, which is capital to thousands. I suppose therefore the worst, that the offensive war upon Bohemia had been unjust; and

then make the case, which is no sooner made than resolved, if it be made not enwrapped, but plainly and perspicuously. It is this in thesi. An offensive war is made, which is unjust in the aggressor; the prosecution and race of the war carrieth the defendant to assail and invade the ancient and indubitate patrimony of the first aggressor, who is now turned defendant; shall he sit down, and not put himself in defence? Or if he be dispossessed, shall he not make a war for the recovery. No man is so poor of judgment as will affirm it. The castle of Cadmus was taken, and the city of Thebes itself invested by Phœbidas the Lacedæmonian, insidiously, and in violation of league: the process of this action drew on a re-surprise of the castle by the Thebans, a recovery of the town, and a current of the war even unto the walls of Sparta. I demand, was the defence of the city of Sparta, and the expulsion of the Thebans out of the Laconian territories, unjust? The sharing of that part of the duchy of Milan, which lieth upon the river of Adda, by the Venetians, upon contract with the French, was an ambitious and unjust purchase. This wheel set on going, did pour a war upon the Venetians with such a tempest, as Padua and Trevigi were taken from them, and all their dominions upon the continent of Italy abandoned, and they confined within the salt waters. Will any man say, that the memorable recovery and defence of Padua, when the gentlemen of Venice, unused to the wars, out of the love of their country, became brave and martial the first day, and so likewise the re-adeption of Trevigi, and the rest of their dominions, was matter of scruple, whether just or no, because it had source from a quarrel ill begun? The war of the duke of Urbin, nephew to pope Julius the second, when he made himself head of the Spanish mutineers, was as unjust as unjust might be; a support of desperate rebels; an invasion of St. Peter's patrimony; and what you will. The race of this war fell upon the loss of Urbin itself, which was the duke's undoubted right; yet, in this case, no penitentiary, though he had enjoined him never so strait penance to expiate his first offence, would have counselled him to have given over the pursuit of his right for Urbin; which, after, he prosperously re-obtained, and hath transmitted to his family yet until this day. Nothing more unjust than the invasion of the Spanish Armada in 88, upon our seas; for our land was holy land to them, they might not touch it; shall I say therefore, that the defence of Lisbon or Cales, afterwards, was unjust? There be thousands of examples; "utor in re non dubia exemplis non necessariis;" the reason is plain; wars are vindictæ, revenges, reparations. But revenges are not infinite, but according to the measure of the first wrong or damage. And therefore when a voluntary offensive war, by the design or fortune of the war, is turned to a necessary defensive war, the scene of the tragedy is changed, and it is a new act to begin. For the particular actions of war, though they are complicate in fact, yet they are separate and distinct in right; like to cross suits in civil pleas, which are sometimes both just. But this is so clear as needeth no farther to be insisted upon. And yet if in things so clear, it were fit to speak of more or less clear in our present cause, it is the more clear on our part, because the possession of Bohemia is settled with the emperor. For though it be true, that "non datur compensatio injuriarum;" yet were there somewhat more colour to detain the Palatinate, as in the nature of a recovery, in value or compensation, if Bohemia had been lost, or were still the stage of war. Of this therefore I speak no more. As for the title of proscription or forfeiture, wherein the emperor, upon the matter, hath been judge and party, and hath justiced himself, God forbid but that it should well endure an appeal to a war. For certainly the court of heaven is as well a chancery to save and debar forfeitures, as a court of common law to decide rights; and there would be work enough in Germany, Italy, and other parts, if imperial forfeitures should go for good titles.

Thus much for the first ground of war with Spain, being in the nature of a plaint for the recovery of the Palatinate; omitting here that which might be the seed of a larger discourse, and is verified by a number of examples; that whatsoever is gained by an abusive treaty, ought to be restored in integrum: as we see the daily experience of this in civil pleas; for the images of great things are best seen contracted into small glasses; we see, I say, that all pretorian courts, if any of the parties be entertained or laid asleep, under pretence of arbitrement or accord, and that the other party, during that time, doth cautelously get the start and advantage at common law, though it be to judgment and execution; yet the pretorian court will set back all things in statu quo prius, no respect had to such eviction or dispossession. Lastly, let there be no mistaking: as if when I speak of a war for the recovery of the Palatinate, I meant, that it must be in linea recta, upon that place: for look into jus fæciale, and all examples, and it will be found to be without scruple, that after a legation ad res repetendas, and a refusal, and a denunciation or indiction of a war, the war is no more confined to the place of the quarrel, but is left at large and to choice, as to the particular conducing designs, as opportunities and advantages shall invite.

To proceed therefore to the second ground of a war with Spain, we have set it down to be, a just fear of the subversion of our civil estate. So then, the war is not for the Palatinate only, but for England, Scotland, Ireland, our king, our prince, our nation, all that we have. Wherein two things are to be proved: The one, that a just fear, without an actual invasion or offence, is a sufficient ground of a war, and in the nature of a true defensive: the other, that we have towards Spain cause of just fear; I say, just fear: for as the civilians do well define, that the legal fear is "justus metus qui cadit in constantem virum," in private causes: so there is "justus metus qui cadit in constantem senatum, in causa publica;" not out of umbrages, light jealousies, apprehensions, afar off, but out of clear foresight of imminent danger.

Concerning the former proposition, it is good to hear what time saith. Thucydides, in his induce-

ment to his story of the great war of Peloponnesus, sets down in plain terms, that the true cause of that war was the overgrowing greatness of the Athenians, and the fear that the Lacedæmonians stood in thereby: and doth not doubt to call it, a necessity imposed upon the Lacedæmonians of a war; which are the words of a mere defensive: adding, that the other causes were but specious and popular. "Verissimam quidem, sed minime sermone celebratam, arbitror extitisse belli causam, Athenienses, magnos effectos et Lacedæmoniis formidolosos, necessitatem illis imposuisse bellandi: quæ autem propalam ferebantur utrinque causæ, istæ fuerant," etc. "The truest cause of this war, though least voiced, I conceive to have been this: that the Athenians, being grown great, to the terror of the Lacedæmonians, did impose upon them a necessity of a war: but the causes that went abroad in speech were these," &c. Sulpitius Galba, consul, when he persuaded the Romans to a preventive war, with the later Philip king of Macedon, in regard of the great preparations which Philip had then on foot, and his designs to ruin some of the confederates of the Romans, confidently saith, that they who took that for an offensive war, understood not the state of the question. "Ignorare videmini mihi, Quirites, non, utrum bellum an pacem habeatis, vos consuli, neque enim liberum id vobis permittet Philippus, qui terra marique ingens bellum molitur, sed utrum in Macedoniam legiones transportetis, an hostem in Italiam recipiatis." "Ye seem to me, ye Romans, not to understand, that the consultation before you is not, whether you shall have war or peace, for Philip will take order you shall be no choosers, who prepareth a mighty war both by land and sea, but whether you shall transport the war into Macedon, or receive it into Italy." Antiochus, when he incited Prusias king of Bithynia, at that time in league with the Romans, to join with him in war against them, setteth before him a just fear of the overspreading greatness of the Romans, comparing it to a fire that continually took, and spread from kingdom to kingdom: "Venire Romanos ad omnia regna tollenda, ut nullum usquam orbis terrarum nisi Romanum imperium esset; Philippum et Nabin expugnatos, se tertium peti; ut quisque proximus ab oppresso sit, per omnes velut continens incendium pervasurum:" "That the Romans came to pull down all kingdoms, and to make the state of Rome an universal monarchy; that Philip and Nabis were already ruinated, and now was his turn to be assailed: so that as every state lay next to the other that was oppressed, so the fire perpetually grazed." Wherein it is well to be noted, that towards ambitious states, which are noted to aspire to great monarchies, and to seek upon all occasions to enlarge their dominions, "crescunt argumenta justi metus;" all particular fears do grow and multiply out of the contemplation of the general courses and practice of such states. Therefore in deliberations of war against the Turk, it hath been often, with great judgment, maintained, that christian princes and states have always a sufficient ground of invasive war against the enemy: not for cause of religion, but upon a just fear; forasmuch as it is a fundamental law in the Turkish empire, that they may, without any other provocation, make war upon christendom for the propagation of their law; so that there lieth upon the christians a perpetual fear of a war, hanging over their heads, from them; and therefore they may at all times, as they think good, be upon the prevention. Demosthenes exposeth to scorn wars which are not preventive, comparing those that make them to country fellows in a fencing-school, that never ward till the blow be past: "Ut barbari pugiles dimicare solent, ita vos bellum geritis cum Philippo: ex his enimis, qui ictus est, ictui semper inhæret: quod si eum alibi verberes, illo manus transfert; ictum autem depellere, aut prospicere, neque scit neque vult." "As country fellows use to do when they play at wasters, such a kind of war do you Athenians make with Philip; for with them he that gets a blow straight falleth to ward when the blow is passed; and if you strike him in another place, thither goes his hand likewise: but to put by, or foresee a blow, they neither have the skill nor the will."

Clinias the Candian, in Plato, speaks desperately and wildly, as if there were no such thing as peace between nations; but that every nation expects but his advantage to war upon another. But yet in that excess of speech there is thus much that may have a civil construction; namely, that every state ought to stand upon its guard, and rather prevent than be prevented. His words are "Quam rem fere vocant pacem, nudum et inane nomen est; revera autem omnibus, adversus omnes civitates, bellum sempiternum perdurat." "That which men for the most part call peace, is but a naked and empty name; but the truth is, that there is ever between all estates a secret war." I know well this speech is the objection and not the decision, and that it is after refuted; but yet, as I said before, it bears thus much of truth, that if that general malignity, and predisposition to war, which he untruly figureth to be in all nations, be produced and extended to a just fear of being oppressed, then it is no more a true peace, but a name of a peace.

As for the opinion of Iphicrates the Athenian, it demands not so much towards a war as a just fear, but rather cometh near the opinion of Clinias; as if there were ever amongst nations a brooding of a war, and that there is no sure league but impuissance to do hurt. For he, in the treaty of peace with the Lacedæmonians, speaketh plain language; telling them, there could be no true and secure peace, except the Lacedæmonians yielded to those things, which being granted, it would be no longer in their power to hurt the Athenians, though they would: and to say truth, if one mark it well, this was in all memory the main piece of wisdom, in strong and prudent counsels, to be in perpetual watch, that the states about them should neither by approach, nor by increase of dominion, nor by ruining confederates, nor by blocking of trade, nor by any the like means, have it in their power to hurt or annoy the states they serve; and whensoever any such cause did but appear, straightways to buy

it out with a war, and never take up peace at credit and upon interest. It is so memorable, as it is yet as fresh as if it were done yesterday, how that triumvirate of kings, Henry the eighth of England, Francis the first of France, and Charles the fifth emperor and king of Spain, were in their times so provident, as scarce a palm of ground could be gotten by either of the three, but that the other two would be sure to do their best, to set the balance of Europe upright again. And the like diligence was used in the age before by that league, wherewith Guicciardine beginneth his story, and maketh it, as it were, the calendar of the good days of Italy, which was contracted between Ferdinando king of Naples, Lorenzo of Medici potentate of Florence, and Lodovico Sforza duke of Milan, designed chiefly against the growing power of the Venetians; but yet so, as the confederates had a perpetual eye one upon another, that none of them should overtop. To conclude therefore; howsoever some schoolmen, otherwise reverend men, yet fitter to guide penknives than swords, seem precisely to stand upon it, that every offensive war must be ultio, a revenge, that presupposeth a precedent assault or injury; yet neither do they descend to this point, which we now handle, of a just fear; neither are they of authority to judge this question against all the precedents of time. For certainly, as long as men are men, the sons, as the poets allude, of Prometheus, and not of Epimetheus, and as long as reason is reason, a just fear will be a just cause of a preventive war; but especially if it be part of the case, that there be a nation that is manifestly detected to aspire to monarchy and new acquests; then other states, assuredly, cannot be justly accused for not staying for the first blow; or for not accepting Polyphemus's courtesy, to be the last that shall be eaten up.

Nay, I observe farther, that in that passage of Plato which I cited before, and even in the tenet of that person that beareth the resolving part, and not the objecting part, a just fear is justified for a cause of an invasive war, though the same fear proceed not from the fault of the foreign state to be assailed: for it is there insinuated, that if a state, out of the distemper of their own body, do fear sedition and intestine troubles to break out amongst themselves, they may discharge their own ill humours upon a foreign war for a cure. And this kind of cure was tendered by Jasper Coligni, admiral of France, to Charles the ninth the French king, when by a vive and forcible persuasion he moved him to a war upon Flanders, for the better extinguishment of the civil wars of France; but neither was that counsel prosperous; neither will I maintain that position: for I will never set politics against ethics; especially for that true ethics are but as a handmaid to divinity and religion. Surely St. Thomas, who had the largest heart of the school divines, bendeth chiefly his style against the depraved passions which reign in making wars, speaking out of St. Augustine: "Nocendi cupiditas, ulciscendi crudelitas, implacatus et implacabilis animus, feritas rebellandi, libido dominandi, et si quæ sunt similia, hæc sunt quæ in bellis jure culpantur." And the same St. Thomas, in his own text, defining of the just causes of a war, doth leave it upon very general terms: "Requiritur ad bellum causa justa, ut scilicet illi, qui impugnantur, propter aliquam culpam impugnationem mereantur:" for impugnatio culpæ is a far more general word, than ultio injuriæ. And thus much for the first proposition, of the second ground of a war with Spain: namely, that a just fear is a just cause of a war; and that a preventive war is a true defensive.

The second or minor proposition was this; that this kingdom hath cause of just fear of overthrow from Spain. Wherein it is true, that fears are ever seen in dimmer lights than facts. And on the other side, fears use, many times, to be represented in such an imaginary fashion, as they rather dazzle men's eyes than open them: and therefore I will speak in that manner which the subject requires; that is, probably, and moderately, and briefly. Neither will I deduce these fears to present occurrences; but point only at general grounds, leaving the rest to more secret counsels.

Is it nothing, that the crown of Spain hath enlarged the bounds thereof within this last sixscore years, much more than the Ottoman's? I speak not of matches or unions, but of arms, occupations, invasions. Granada, Naples, Milan, Portugal, the East and West Indies; all these are actual additions to that crown. They had a mind to French Britain, the lower part of Picardy, and Piedmont; but they have let fall their bit. They have, to this day, such a hovering possession of the Valtoline, as an hobby hath over a lark; and the Palatinate is in their talons: so that nothing is more manifest, than that this nation of Spain runs a race still of empire, when all other states of christendom stand in effect at a stay. Look then a little farther into the titles whereby they have acquired, and do now hold these new portions of their crown; and you will find them of so many varieties, and such natures, to speak with due respect, as may appear to be easily minted, and such as can hardly at any time be wanting. And therefore, so many new conquests and purchases, so many strokes of the alarm bell of fear and awaking to other nations; and the facility of the titles, which hand-over-head have served their turn, doth ring the peal so much the sharper and louder.

Shall we descend from their general disposition to enlarge their dominions, to their particular disposition and eye of appetite which they have had towards us: they have now twice sought to impatronise themselves of this kingdom of England; once by marriage with queen Mary; and the second time by conquest in 88, when their forces by sea and land were not inferior to those they have now. And at that time in 88, the council and design of Spain was by many advertisements revealed and laid open to be, that they found the war upon the Low Countries so churlish and longsome, as they grew then to a resolution, that as long as England stood in state to succour those countries, they should but consume themselves in an endless war; and therefore there was no other way but to assail and depress England,

which was as a back of steel to the Flemings. And who can warrant, I pray, that the same counsel and design will not return again? So as we are in a strange dilemma of danger: for if we suffer the Flemings to be ruined, they are our outwork, and we shall remain naked and dismantled: if we succour them strongly, as is fit, and set them upon their feet, and do not withal weaken Spain, we hazard to change the scene of the war, and to turn it upon Ireland or England: like unto rheums and defluxions, which if you apply a strong repercussive to the place affected, and do not take away the cause of the disease, will shift and fall straightways to another joint or place. They have also twice invaded Ireland; once under the pope's banner, when they were defeated by the lord Grey: and after in their own name, when they were defeated by the lord Mountjoy. So as let this suffice for a taste of their disposition towards us. But it will be said, this is an almanack for the old year; since 88 all hath been well; Spain hath not assailed this kingdom, howsoever by two several invasions from us mightily provoked. It is true; but then consider, that immediately after 88, they were embroiled for a great time in the protection of the league of France, whereby they had their hands full; after being brought extreme low by their vast and continual embracements, they were enforced to be quiet that they might take breath, and do reparations upon their former wastes. But now of late, things seem to come apace to their former estate; nay with far greater disadvantage to us; for now that they have almost continued, and, as it were, arched their dominions from Milan, by the Valtoline and Palatinate, to the Low Countries, we see how they thirst and pant after the utter ruin of those states; having in contempt almost the German nation, and doubting little opposition except it come from England: whereby either we must suffer the Dutch to be ruined, to our own manifest prejudice; or put it upon the hazard I spake of before, that Spain will cast at the fairest. Neither is the point of internal danger, which groweth upon us, to be forgotten; this, that the party of the papists in England are become more knotted, both in dependence towards Spain and amongst themselves, than they have been. Wherein again comes to be remembered the case of 88: for then also it appeared by divers secret letters, that the design of Spain was, for some years before the invasion attempted, to prepare a party in this kingdom to adhere to the foreigner at his coming. And they bragged, that they doubted not to abuse and lay asleep the queen and council of England, as to have any fear of the party of papists here; for that they knew, they said, the state would but cast the eye and look about to see whether there were any eminent head of that party, under whom it might unite itself; and finding none worth the thinking on, the state would rest secure and take no apprehension: whereas they meant, they said, to take a course to deal with the people, and particulars, by reconcilements, and confessions, and secret promises, and cared not for any head of party. And this was the true reason, why after that the seminaries began to blossom, and to make missions into England, which was about the three and twentieth year of queen Elizabeth, at what time also was the first suspicion of the Spanish invasion, then, and not before, grew the sharp and severe laws to be made against the papists. And therefore the papists may do well to change their thanks; and whereas they thank Spain for their favours, to thank them for their perils and miseries if they should fall upon them: for that nothing ever made their case so ill as the doubt of the greatness of Spain, which adding reason of state to matter of conscience and religion, did whet the laws against them. And this case also seemeth, in some sort, to return again at this time; except the clemency of his Majesty, and the state, do superabound; as, for my part, I do wish it should; and that the proceedings towards them may rather tend to security, and providence, and point of state, than to persecution for religion. But to conclude; these things briefly touched, may serve as in a subject conjectural and future, for to represent how just cause of fear this kingdom may have towards Spain: omitting, as I said before, all present and more secret occurrences.

The third ground of a war with Spain, I have set down to be, a just fear of the subversion of our church and religion: which needeth little speech. For if this war be a defensive, as I have proved it to be, no man will doubt, that a defensive war against a foreigner for religion is lawful. Of an offensive war there is more dispute. And yet in that instance of the war for the Holy Land and sepulchre, I do wonder sometimes, that the schoolmen want words to defend that, which S. Bernard wanted words to commend. But I, that in this little extract of a treatise do omit things necessary, am not to handle things unnecessary. No man, I say, will doubt, but if the pope, or king of Spain, would demand of us to forsake our religion upon pain of a war, it were as unjust a demand, as the Persians made to the Grecians of land and water; or the Ammonites to the Israelites of their right eyes. And we see all the heathen did style their defensive wars "pro aris et focis;" placing their altars before their hearths. So that it is in vain of this to speak farther. Only this is true; that the fear of the subversion of our religion from Spain is the more just, for that all other catholic princes and states content and contain themselves to maintain their religion within their own dominions, and meddle not with the subjects of other states; whereas the practice of Spain hath been, both in Charles the fifth's time, and in the time of the league in France, by war; and now with us, by conditions of treaty, to intermeddle with foreign states, and to declare themselves protectors general of the party of catholics, through the world. As if the crown of Spain had a little of this, that they would plant the pope's laws by arms, as the Ottomans do the law of Mahomet. Thus much concerning the first main point of justifying the quarrel, if the king shall enter into a war; for this that I have said, and all that followeth to be said, is but to show what he may do.

The second main part of that I have propounded

to speak of, is the balance of forces between Spain and us. And this also tendeth to no more, but what the king may do. For what he may do is of two kinds: what he may do as just; and what he may do as possible. Of the one I have already spoken; of the other I am now to speak. I said, Spain was no such giant; and yet if he were a giant, it will be but as it was between David and Goliath, for "God is on our side." But to leave all arguments that are supernatural, and to speak in a human and politic sense, I am led to think that Spain is no over-match for England, by that which leadeth all men; that is, experience and reason. And with experience I will begin, for there all reason beginneth.

Is it fortune, shall we think, that, in all actions of war or arms, great and small, which have happened these many years, ever since Spain and England have had any thing to debate one with the other, the English upon all encounters have perpetually come off with honour, and the better? It is not fortune sure; she is not so constant. There is somewhat in the nation and natural courage of the people, or some such thing. I will make a brief list of the particulars themselves in an historical truth, no ways strouted, nor made greater by language. This were a fit speech, you will say, for a general, in the head of an army, when they were going to battle: yes; and it is no less fit speech to be spoken in the head of a council, upon a deliberation of entrance into a war. Neither speak I this to disparage the Spanish nation, whom I take to be of the best soldiers in Europe; but that sorteth to our honour, if we still have had the better hand.

In the year 1578, was that famous Lammas day, which buried the reputation of Don John of Austria, himself not surviving long after. Don John being superior in forces, assisted by the prince of Parma, Mondragon, Mansell, and other the best commanders of Spain, confident of victory, charged the army of the States near Rimenant, bravely and furiously at the first; but after a fight maintained by the space of a whole day, was repulsed, and forced to a retreat, with great slaughter of his men; and the course of his farther enterprises was wholly arrested; and this chiefly by the prowess and virtue of the English and Scottish troops, under the conduct of Sir John Norris and Sir Robert Stuart, colonels: which troops came to the army but the day before, harassed with a long and wearisome march; and, as it is left for a memorable circumstance in all stories, the soldiers being more sensible of a little heat of the sun, than of any cold fear of death, cast away their armour and garments from them, and fought in their shirts: and, as it was generally conceived, had it not been that the count of Bossu was slack in charging the Spaniards upon their retreat, this fight had sorted to an absolute defeat. But it was enough to chastise Don John for his insidious treaty of peace, wherewith he had abused the States at his first coming. And the fortune of the day, besides the testimony of all stories, may be the better ascribed to the service of the English and Scottish, by comparison of this charge near Rimenant, where the English and Scottish in great numbers came in action, with the like charge given by Don John half a year before at Gemblours, where the success was contrary: there being at that time in the army but a handful of English and Scottish, and they put in disarray by the horsemen of their own fellows.

The first dart of war which was thrown from Spain or Rome upon the realm of Ireland, was in the year 1580; for the design of Stukely blew over into Afric; and the attempt of Saunders and Fitz-Maurice had a spice of madness. In that year Ireland was invaded by Spanish and Italian forces, under the pope's banner, and the conduct of San Josepho, to the number of 700 or better, which landed at Smerwick in Kerry. A poor number it was to conquer Ireland to the pope's use; for their design was no less: but withal they brought arms for 5000 men above their own company, intending to arm so many of the rebels of Ireland. And their purpose was, to fortify in some strong place of the wild and desolate country, and there to nestle till greater succours came; they being hastened unto their enterprise upon a special reason of state, not proper to the enterprise itself; which was by the invasion of Ireland, and the noise thereof, to trouble the council of England, and to make a diversion of certain aids, that then were preparing from hence for the Low Countries. They chose a place where they erected a fort, which they called the "Fort del Or;" and from thence they bolted like beasts of the forest, sometimes into the woods and fastnesses, and sometimes back again to their den. Soon after siege was laid to the fort by the lord Gray, then deputy, with a smaller number than those were within the fort; venturously indeed; but haste was made to attack them before the rebels came in to them. After the siege of four days only, and two or three sallies, with loss on their part, they that should have made good the fort for some months, till new succours came from Spain, or at least from the rebels of Ireland, yielded up themselves without conditions at the end of those four days. And for that they were not in the English army enough to keep every man a prisoner, and for that also the deputy expected instantly to be assailed by the rebels; and again, there were no barks to throw them into, and send them away by sea; they were all put to the sword; with which queen Elizabeth was afterwards much displeased.

In the year 1582, was that memorable retreat of Gaunt; than the which there hath not been an exploit of war more celebrated. For in the true judgment of men of war, honourable retreats are no ways inferior to brave charges; as having less of fortune, more of discipline, and as much of valour. There were to the number of three hundred horse, and as many thousand foot English, commanded by Sir John Norris, charged by the prince of Parma, coming upon them with seven thousand horse; besides that the whole army of Spaniards was ready to march on. Nevertheless Sir John Norris maintained a retreat without disarray, by the space of some miles, part of the way champaign, under the city of Gaunt, with less loss of men than the enemy:

the duke of Anjou, and the prince of Orange, beholding this noble action from the walls of Gaunt, as in a theatre, with great admiration.

In the year 1585, followed the prosperous expedition of Drake and Carlile into the West Indies, in the which I set aside the taking of St. Jago and St. Domingo in Hispaniola, as surprises rather than encounters. But that of Carthagena, where the Spaniards had warning of our coming, and had put themselves in their full strength, was one of the hottest services and most dangerous assaults that hath been known. For the access to the town was only by a neck of land, between the sea on the one part, and the harbour water or inner sea on the other; fortified clean over with a strong rampier and barricado; so as upon the ascent of our men, they had both great ordnance and small shot, that thundered and showered upon them from the rampier in front, and from the galleys that lay at sea in flank. And yet they forced the passage, and won the town, being likewise very well manned. As for the expedition of Sir Francis Drake, in the year 1587, for the destroying of the Spanish shipping and provision upon their own coast; as I cannot say that there intervened in that enterprise any sharp fight or encounter; so, nevertheless, it did strangely discover, either that Spain is very weak at home, or very slow to move; when they suffered a small fleet of English to make an hostile invasion or incursion upon their havens and roads, from Cadiz to Capa Sacra, and thence to Cascais; and to fire, sink, and carry away at the least, ten thousand ton of their great shipping, besides fifty or sixty of their smaller vessels; and that in the sight, and under the favour of their forts; and almost under the eye of their great admiral, the best commander of Spain by sea, the marquis de Santa Cruz, without ever being disputed with by any fight of importance. I remember Drake in the vaunting style of a soldier, would call this enterprise, the singeing of the king of Spain's beard.

The enterprise of 88, deserveth to be stood upon a little more fully, being a miracle of time. There armed from Spain, in the year 1588, the greatest navy that ever swam upon the sea; for though there have been far greater fleets for number, yet for the bulk and building of the ships, with the furniture of great ordnance and provisions, never the like. The design was to make not an invasion only, but an utter conquest of this kingdom. The number of vessels were one hundred and thirty, whereof galliasses and galleons seventy-two, goodly ships, like floating towers or castles, manned with thirty thousand soldiers and mariners. This navy was the preparation of five whole years, at the least: it bare itself also upon divine assistance; for it received special blessing from pope Sixtus, and was assigned as an apostolical mission for the reducement of this kingdom to the obedience of the see of Rome. And, in farther token of this holy warfare, there were amongst the rest of these ships, twelve, called by the names of the twelve apostles. But it was truly conceived, that this kingdom of England could never be overwhelmed, except the land waters came in to the sea tides. Therefore was there also in readin in Flanders, a mighty strong army of land for to the number of fifty thousand veteran soldi under the conduct of the duke of Parma, the b commander, next the French king Henry the fou of his time. These were designed to join with forces at sea; there being prepared a number of f bottomed boats to transport the land forces, under wing and protection of the great navy. For th made no account, but that the navy should be ab lute master of the seas. Against these forces, th were prepared on our part, to the number of n one hundred ships; not so great of bulk indeed, b of a more nimble motion, and more serviceabl besides a less fleet of thirty ships, for the custo of the narrow seas. There were also in readine at land two armies, besides other forces, to the nu ber of ten thousand, dispersed amongst the co towns in the southern parts. The two armies we appointed; one of them consisting of twenty-fi thousand horse and foot, for the repulsing of th enemy at their landing; and the other of twen five thousand for safeguard and attendance about th court and the queen's person. There were also othe dormant musters of soldiers throughout all parts o the realm, that were put in readiness, but n drawn together. The two armies were assigned t the leading of two generals, noble persons, but both of them rather courtiers, and assured to the state, than martial men; yet lined and assisted with subordinate commanders of great experience and valour. The fortune of the war made this enterprise at first a play at base. The Spanish navy set forth out of the Groyne in May, and was dispersed and driven back by weather. Our navy set forth somewhat later out of Plymouth, and bare up towards the coast of Spain to have fought with the Spanish navy; and partly by reason of contrary winds, partly upon advertisement that the Spaniards were gone back, and upon some doubt also that they might pass by towards the coast of England, whilst we were seeking them afar off, returned likewise into Plymouth about the middle of July. At that time came more confident advertisement, though false not only to the lord admiral, but to the court, that the Spaniards could not possibly come forward that year; whereupon our navy was upon the point of disbanding, and many of our men gone ashore: at which very time the Invincible Armada, for so it was called in a Spanish ostentation, throughout Europe, was discovered upon the western coast. It was a kind of surprise; for that, as was said, many of our men were gone to land, and our ships ready to depart. Nevertheless the admiral, with such ships only as could suddenly be put in readiness, made forth towards them; insomuch as of one hundred ships, there came scarce thirty to work. Howbeit, with them, and such as came daily in, we set upon them, and gave them the chase. But the Spaniards, for want of courage, which they called commission, declined the fight, casting themselves continually into roundels, their strongest ships walling in the rest, and in that manner they made a flying march towards Calais. Our men by the space of five or

days followed them close, fought with them con-
nally, made great slaughter of their men, took two
their great ships, and gave divers others of their
pa their death's wounds, whereof soon after they
ik and perished; and, in a word, distressed them
most in the nature of a defeat; we ourselves in
mean time receiving little or no hurt. Near
lais the Spaniards anchored, expecting their land-
ces, which came not. It was afterwards alleged,
at the duke of Parma did artificially delay his
ming; but this was but an invention and preten-
n given out by the Spaniards; partly upon a
anish envy against that duke, being an Italian,
d his son a competitor to Portugal; but chiefly to
ve the monstrous scorn and disreputation, which
ey and their nation received by the success of that
terprise. Therefore their colours and excuses,
smooth, were, that their general by sea had a
mited commission, not to fight until the land forces
ere come in to them: and that the duke of Parma
d particular reaches and ends of his own under-
and, to cross the design. But it was both a
range commission, and a strange obedience to a
mmission; for men in the midst of their own
lood, and being so furiously assailed, to hold their
ands, contrary to the laws of nature and necessity.
nd as for the duke of Parma, he was reasonably
rell tempted to be true to that enterprise, by no less
romise than to be made a feudatory, or beneficiary
ing of England, under the seignory, in chief of
he pope, and the protection of the king of Spain.
Besides, it appeared that the duke of Parma held
his place long after in the favour and trust of
he king of Spain, by the great employments and
ervices that he performed in France: and again, it
s manifest, that the duke did his best to come
down, and to put to sea. The truth was, that the
Spanish navy, upon those proofs of fight which
they had with the English, finding how much hurt
they received, and how little hurt they did, by
reason of the activity and low building of our
ships, and skill of our seamen; and being also
commanded by a general of small courage and
experience, and having lost at the first two of
their bravest commanders at sea, Pedro de Valdez,
and Michael de Oquenda; durst not put it to a battle
at sea, but set up their rest wholly upon the land
enterprise. On the other side, the transporting of
the land forces failed in the very foundation: for
whereas the council of Spain made full account, that
their navy should be master of the sea, and there-
fore able to guard and protect the vessels of trans-
portation; when it fell out to the contrary that the
great navy was distressed, and had enough to do to
save itself; and again, that the Hollanders im-
pounded their land forces with a brave fleet of thirty
sail, excellently well appointed; things, I say, being
in this state, it came to pass that the duke of Parma
must have flown if he would have come into Eng-
land, for he could get neither bark nor mariner to
put to sea: yet certain it is, that the duke looked
still for the coming back of the Armada, even at that
time when they were wandering, and making their
perambulation upon the northern seas. But to re-
turn to the Armada, which we left anchored at
Calais: from thence, as Sir Walter Raleigh was
wont prettily to say, they were suddenly driven
away with squibs; for it was no more but a strata-
gem of fire boats, manless, and sent upon them by
the favour of the wind in the night time, that did
put them in such terror, as they cut their cables,
and left their anchors in the sea. After they ho-
vered some two or three days about Graveling, and
there again were beaten in a great fight; at what
time our second fleet, which kept the narrow seas,
was come in and joined to our main fleet. There-
upon the Spaniards entering into farther terror, and
finding also divers of their ships every day to sink,
lost all courage, and instead of coming up into the
Thames' mouth for London, as their design was, fled
on towards the north to seek their fortunes; being
still chased by the English navy at the heels, until
we were fain to give them over for want of powder.
The breath of Scotland the Spaniards could not en-
dure; neither durst they as invaders land in Ireland;
but only ennobled some of the coasts thereof with
shipwrecks. And so going northwards aloof, as long
as they had any doubt of being pursued, at last, when
they were out of reach, they turned, and crossed the
ocean to Spain, having lost fourscore of their ships
and the greater part of their men. And this was
the end of that sea-giant, the Invincible Armada:
which having not so much as fired a cottage of ours
at land, nor taken a cock-boat of ours at sea, wan-
dered through the wilderness of the northern seas;
and according to the curse in the Scripture, "came
out against us one way, and fled before us seven
ways." Serving only to make good the judgment of
an astrologer long before given, "octogesimus octa-
vus mirabilis annus:" or rather, to make good, even
to the astonishment of all posterity, the wonderful
judgments of God, poured down commonly upon vast
and proud aspirings.

In the year that followed, of 1589, we gave the
Spaniards no breath, but turned challengers, and
invaded the main of Spain. In which enterprise,
although we failed in our end, which was to settle
Don Antonio in the kingdom of Portugal, yet a man
shall hardly meet with an action that doth better
reveal the great secret of the power of Spain; which
power well sought into, will be found rather to con-
sist in a veteran army, such as upon several occa-
sions and pretensions they have ever had on foot, in
one part or other of christendom, now by the space
of almost sixscore years, than in the strength of their
dominions and provinces. For what can be more
strange, or more to the disvaluation of the power of
the Spaniard upon the continent, than that with an
army of eleven thousand English land soldiers, and
a fleet of twenty-six ships of war, besides some weak
vessels for transportation, we should, within the
hour-glass of two months, have won one town of
importance by scalado, battered and assaulted an-
other, overthrown great forces in the field, and that
upon the disadvantage of a bridge strongly barri-
cadoed, landed the army in three several places of
his kingdom, marched seven days in the heart of
his countries, lodged three nights in the suburbs of

his principal city, beaten his forces into the gates thereof, possessed two of his frontier forts, and come off after all this with small loss of men, otherwise than by sickness? And it was verily thought, that had it not been for four great disfavours of that voyage, that is to say, the failing in sundry provisions that were promised, especially of cannons for battery; the vain hopes of Don Antonio, concerning the people of the country to come in to his aid; the disappointment of the fleet that was directed to come up the river of Lisbon; and lastly, the diseases which spread in the army by reason of the heat of the season, and of the soldiers' misrule in diet, the enterprise had succeeded, and Lisbon had been carried. But howsoever it makes proof to the world, that an invasion of a few English upon Spain may have just hope of victory, at least of passport to depart safely.

In the year 1591 was that memorable fight of an English ship called the Revenge, under the command of Sir Richard Greenvil; memorable, I say, even beyond credit, and to the height of some heroical fable; and though it were a defeat, yet it exceeded a victory; being like the act of Samson, that killed more men at his death, than he had done in the time of all his life. This ship, for the space of fifteen hours sat like a stag among hounds at the bay, and was sieged, and fought with, in turn, by fifteen great ships of Spain, part of a navy of fifty-five ships in all: the rest like abettors looking on afar off. And amongst the fifteen ships that fought, the great S. Philippo was one; a ship of fifteen hundred ton, prince of the twelve sea-apostles, which was right glad when she was shifted off from the Revenge. This brave ship the Revenge, being manned only with two hundred, soldiers and mariners, whereof eighty lay sick; yet nevertheless after a fight maintained, as was said, of fifteen hours, and two ships of the enemy sunk by her side, besides many more torn and battered, and great slaughter of men, never came to be entered, but was taken by composition; the enemies themselves having in admiration the virtue of the commander, and the whole tragedy of that ship.

In the year 1596 was the second invasion that we made upon the main territories of Spain; prosperously achieved by that worthy and famous Robert earl of Essex, in concert with the noble earl of Nottingham that now liveth, then admiral. This journey was like lightning; for in the space of fourteen hours the king of Spain's navy was destroyed, and the town of Cadiz taken. The navy was no less than fifty tall ships, besides twenty galleys to attend them. The ships were straightways beaten, and put to flight with such terror, as the Spaniards in the end were their own executioners, and fired them all with their own hands. The galleys, by the benefit of the shores and shallows, got away. The town was a fair, strong, well built, and rich city; famous in antiquity, and now most spoken of for this disaster. It was manned with four thousand soldiers foot, and some four hundred horse; it was sacked and burned, though great clemency was used towards the inhabitants. But that which is no less strange than the sudden victory, is the great patience of the Spaniards; who though we stayed upon the place divers days, yet never offered us any play then, nor ever put us in suit by any action of revenge or reparation at any time after.

In the year 1600 was the battle of Newport in the Low-Countries, where the armies of the archduke, and the States, tried it out by a just battle. This was the only battle that was fought in those countries these many years. For battles in the French wars have been frequent, but in the wars of Flanders rare, as the nature of a defensive requireth. The forces of both armies were not much unequal: that of the States exceeded somewhat in number, but that again was recompensed in the quality of the soldiers; for those of the Spanish part were of the flower of all their forces. The archduke was the assailant, and the preventer, and had the fruit of his diligence and celerity. For he had charged certain companies of Scottish men, to the number of eight hundred, sent to make good a passage, and thereby severed from the body of the army, and cut them all in pieces: for they, like a brave infantry, when they could make no honourable retreat, and would take no dishonourable flight, made good the place with their lives. This entrance of the battle did whet the courage of the Spaniards, though it dulled their swords: so as they came proudly on, confident to defeat the whole army. The encounter of the main battle which followed, was a just encounter, not hastening to a sudden rout, nor the fortune of the day resting upon a few former ranks, but fought out to the proof by several squadrons, and not without variety of success; "Stat pede pes, densusque viro vir." There fell out an error in the Dutch army, by the overhasty medley of some of their men with the enemies, which hindered the playing of their great ordnance. But the end was, that the Spaniards were utterly defeated, and near five thousand of their men in the fight, and in the execution, slain and taken; amongst whom were many of the principal persons of their army. The honour of the day was, both by the enemy and the Dutch themselves, ascribed unto the English; of whom Sir Francis Vere, in a private commentary which he wrote of that service, leaveth testified, that of fifteen hundred in number, for they were no more, eight hundred were slain in the field: and, which is almost incredible in a day of victory, of the remaining seven hundred, two men only came off unhurt. Amongst the rest Sir Francis Vere himself had the principal honour of the service, unto whom the prince of Orange, as is said, did transmit the direction of the army for that day; and in the next place Sir Horace Vere his brother, that now liveth, who was the principal in the active part. The service also of Sir Edward Cecil, Sir John Ogle, and divers other brave gentlemen, was eminent.

In the year 1601 followed the battle of Kinsale in Ireland. By this Spanish invasion of Ireland, which was in September that year, a man may guess how long time a Spaniard will live in Irish ground; which is a matter of a quarter of a year, or four months at most. For they had all the advantages in the world; and no man would have thought, considering the small forces employed against them,

that they could have been driven out so soon. They obtained, without resistance, in the end of September, the town of Kinsale; a small garrison of one hundred and fifty English leaving the town upon the Spaniards' approach, and the townsmen receiving the foreigners as friends. The number of Spaniards that put themselves into Kinsale, was two thousand men, soldiers of old bands, under the command of Don John d'Aquila, a man of good valour. The town was strong of itself; neither wanted there any industry to fortify it on all parts, and make it tenable, according to the skill and discipline of Spanish fortification. At that time the rebels were proud, being encouraged upon former successes; for though the then deputy, the lord Mountjoy, and Sir George Carew, president of Munster, had performed divers good services to their prejudice; yet the defeat they had given the English at Blackwater, not long before, and their treaty, too much to their honour, with the earl of Essex, was yet fresh in their memory. The deputy lost no time, but made haste to have recovered the town before new succours came, and sat down before it in October, and laid siege to it by the space of three winter months or more: during which time sallies were made by the Spaniard, but they were beaten in with loss. In January came fresh succours from Spain, to the number of two thousand more, under the conduct of Alonzo d'Ocampo. Upon the comforts of these succours, Tyrone and Odonnell drew up their forces together, to the number of seven thousand, besides the Spanish regiments, and took the field, resolved to rescue the town, and to give the English battle. So here was the case: an army of English, of some six thousand, wasted and tired with a long winter's siege, engaged in the midst, between an army of a greater number than themselves, fresh and in vigour, on the one side; and a town strong in fortification, and strong in men, on the other. But what was the event? This in few words: that after the Irish and Spanish forces had come on, and showed themselves in some bravery, they were content to give the English the honour as to charge them first; and when it came to the charge, there appeared no other difference between the valour of the Irish rebels and the Spaniards, but that the one ran away before they were charged, and the other straight after. And again, the Spaniards that were in the town had so good memories of their losses in their former sallies, as the confidence of an army, which came for their deliverance, could not draw them forth again. To conclude: there succeeded an absolute victory for the English, with the slaughter of above two thousand of the enemy; the taking of nine ensigns, whereof six Spanish; the taking of the Spanish general, d'Ocampo, prisoner; and this with the loss of so few of the English as is scarce credible; being, as hath been rather confidently than credibly reported, but of one man, the cornet of Sir Richard Greame; though not a few hurt. There followed immediately after the defeat a present yielding up of the town by composition; and not only so, but an avoiding, by express articles of treaty accorded, of all other Spanish forces throughout all Ireland, from the places and nests where they had settled themselves in greater strength, as in regard of the natural situation of the places, than that was of Kinsale; which were Castlehaven, Baltimore, and Beerehaven. Indeed they went away with sound of trumpet, for they did nothing but publish and trumpet all the reproaches they could devise, against the Irish land and nation; insomuch as d'Aquila said in open treaty, that when the devil upon the mount did show Christ all the kingdoms of the earth, and the glory of them, he did not doubt but the devil left out Ireland, and kept it for himself.

I cease here: omitting not a few other proofs of the English valour and fortunes, in these latter times: as at the suburbs of Paris, at the Raveline, at Druse in Normandy, some encounters in Britanny, and at Ostend, and divers others; partly because some of them have not been proper encounters between the Spaniards and the English; and partly because others of them have not been of that greatness, as to have sorted in company with the particulars formerly recited. It is true, that amongst all the late adventures, the voyage of Sir Francis Drake and Sir John Hawkins into the West Indies, was unfortunate; yet in such sort as it doth not break or interrupt our prescription, to have had the better of the Spaniards upon all fights of late. For the disaster of that journey was caused chiefly by sickness; as might well appear by the deaths of both the generals, Sir Francis Drake and Sir John Hawkins, of the same sickness amongst the rest. The land enterprise of Panama was an ill measured and immature counsel: for it was grounded upon a false account, that the passages towards Panama were no better fortified than Drake had left them. But yet it sorted not to any fight of importance, but to a retreat, after the English had proved the strength of their first fort, and had notice of the two other forts beyond, by which they were to have marched. It is true, that in the return of the English fleet they were set upon by Avellaneda, admiral of twenty great ships Spanish, our fleet being but fourteen, full of sick men, deprived of their two generals by sea, and having no pretence but to journey homewards: and yet the Spaniards did but salute them, about the Cape de los Corientes, with some small offer of fight, and came off with loss; although it was such a new thing for the Spaniards to receive so little hurt upon dealing with the English, as Avellaneda made great brags of it, for no greater matter than the waiting upon the English afar off, from Cape de los Corientes to Cape Antonio; which, nevertheless, in the language of a soldier, and of a Spaniard, he called a chase.

But before I proceed farther, it is good to meet with an objection, which if it be not removed, the conclusion of experience from the time past to the time present will not be sound and perfect. For it will be said, that in the former times, whereof we have spoken, Spain was not so mighty as now it is; and England, on the other side, was more aforehand in all matters of power. Therefore let us compare with indifferency these disparities of times, and we shall plainly perceive, that they make for the ad-

vantage of England at this present time. And because we will less wander in generalities, we will fix the comparison to precise times; comparing the state of Spain and England in the year 88, with this present year that now runneth. In handling of this point, I will not meddle with any personal comparisons of the princes, counsellors, and commanders by sea or land, that were then, and that are now, in both kingdoms, Spain and England; but only rest upon real points, for the true balancing of the state of the forces and affairs of both times. And yet these personal comparisons I omit not, but that I could evidently show, that even in these personal respects the balance sways on our part; but because I would say nothing that may savour of a spirit of flattery or censure of the present government.

First, therefore, it is certain, that Spain hath not now one foot of ground in quiet possession more than it had in 88. As for the Valtoline, and the Palatinate, it is a maxim in state, that all countries of new acquest, till they be settled, are rather matters of burden than of strength. On the other side, England hath Scotland united, and Ireland reduced to obedience, and planted; which are mighty augmentations.

Secondly, in 88, the kingdom of France, able alone to counterpoise Spain itself, much more in conjunction, was torn with the party of the league, which gave law to their king, and depended wholly upon Spain. Now France is united under a valiant young king, generally obeyed if he will, himself king of Navarre as well as of France; and that is no ways taken prisoner, though he be tied in a double chain of alliance with Spain.

Thirdly, in 88, there sat in the see of Rome a fierce thundering frier, that would set all at six and seven; or at six and five, if you allude to his name: and though he would after have turned his teeth upon Spain, yet he was taken order with before it came to that. Now there is ascended to the papacy a personage, that came in by a chaste election, no ways obliged to the party of the Spaniards: a man bred in ambassages and affairs of state, that hath much of the prince, and nothing of the frier; and one, that though he loves the chair of the papacy well, yet he loveth the carpet above the chair; that is, Italy, and the liberties thereof well likewise.

Fourthly, in 88, the king of Denmark was a stranger to England, and rather inclined to Spain; now the king is incorporated to the blood of England, and engaged in the quarrel of the Palatinate. Then also Venice, Savoy, and the princes and cities of Germany, had but a dull fear of the greatness of Spain, upon a general apprehension only of the spreading and ambitious designs of that nation: now that fear is sharpened and pointed by the Spaniard's late enterprises upon the Valtoline and the Palatinate, which come nearer them.

Fifthly and lastly, the Dutch, which is the Spaniard's perpetual duellist, hath now, at this present, five ships to one, and the like proportion in treasure and wealth, to that they had in 88. Neither is it possible, whatsoever is given out, that the coffers of Spain should now be fuller than they were in 88: for at that time Spain had no other wars save those of the Low Countries, which were grown into an o dinary; now they have had coupled therewith the e traordinary of the Valtoline, and the Palatinat And so I conclude my answer to the objection raise touching the difference of times; not entering in more secret passages of state, but keeping th character of style whereof Seneca speaketh, "pl significat quam loquitur."

Here I would pass over from matter of experienc were it not that I held it necessary to discover wonderful erroneous observation that walketh abo and is commonly received, contrary to all the tr account of time and experience. It is, that th Spaniard, where he once getteth in, will seldom never be got out again. But nothing is less tr than this. Not long since they got footing at Bre and some other parts in French Britain, and aft quitted them. They had Calais, Ardes, and Amien and rendered them, or were beaten out. They ha since Marseilles, and fairly left it. They had th other day the Valtoline, and now have put it i deposit. What they will do with Ormus, whic the Persian hath taken from them, we shall se So that, to speak truly of latter times, they hav rather poached and offered at a number of enter prises, than maintained any constantly; quite co trary to that idle tradition. In more ancient time leaving their purchases in Afric, which they aft abandoned, when their great emperor Charles ha clasped Germany almost in his fist, he was force in the end, to go from Isburg, and as if it had bee in a mask, by torchlight, and to quit every foot Germany round that he had gotten; which, I doub not, will be the hereditary issue of this late purchas of the Palatinate. And so I conclude the groun that I have to think that Spain will be no overmatch to Great Britain, if his Majesty should enter into war, out of experience, and records of time.

For grounds of reason, they are many; I wil extract the principal, and open them briefly, and as it were, in the bud. For situation, I pass it over; though it be no small point: England, Scotland, Ireland, and our good confederates the United Provinces, lie all in a plump together, not accessible but by sea, or at least by passing of great rivers, which are natural fortifications. As for the dominions of Spain, they are so scattered, as it yieldeth great choice of the scenes of the war, and promiseth slow succours unto such part as shall be attempted. There be three main parts of military puissance, men, money, and confederates. For men, there are to be considered valour and number. Of valour I speak not; take it from the witnesses that have been produced before: yet the old observation is not untru, that the Spaniard's valour lieth in the eye of the looker on; but the English valour lieth about the soldier's heart. A valour of glory, and a valour of natural courage, are two things. But let that pass, and let us speak of number: Spain is a nation thin sown of people; partly by reason of the sterility of the soil, and partly because their natives are exhausted by so many employments in such vast territories as they possess. So that it hath been accounted a kind of miracle, to see ten or twelve

thousand native Spaniards in an army. And it is certain, as we have touched it, a little before, in passage, that the secret of the power of Spain consisteth in a veteran army, compounded of miscellany forces of all nations, which for many years they have had on foot upon one occasion or other: and if there should happen the misfortune of a battle, it would be a long work to draw on supplies. They tell a tale of a Spanish ambassador that was brought to see the treasury of S. Mark at Venice, and still he looked down to the ground: and being asked, why he so looked down, said, "he was looking to see whether their treaure had any root, so that if it were spent it would grow again; as his master's had." But, howsoever it be of their treasure, certainly their forces have scarce any root; or at least such a root as buddeth forth poorly and slowly. It is true they have the Walloons, who are tall soldiers, yet that is but a spot of ground. But, on the other side, there is not in the world again such a spring and seminary of brave military people, as is England, Scotland, Ireland, and the United Provinces: so as if wars should mow them down never so fast, yet they may be suddenly supplied, and come up again.

For money, no doubt it is the principal part of the greatness of Spain; for by that they maintain their veteran army: and Spain is the only state of Europe that is a money grower. But in this part, of all others, is most to be considered, the ticklish and brittle state of the greatness of Spain. Their greatness consisteth in their treasure, their treasure in their Indies, and their Indies, if it be well weighed, are indeed but an accession to such as are masters by sea. So as this axle-tree, whereupon their greatness turneth, is soon cut in two by any that shall be stronger than they by sea. Herein therefore I refer myself to the opinions of all men, enemies or whomsoever, whether that the maritime forces of Great Britain, and the United Provinces, be not able to beat the Spaniard at sea? For if that be so, the links of that chain whereby they hold their greatness are dissolved. Now if it be said, that admit the case of Spain to be such as we have made it, yet we ought to descend into our own case, which we shall find, perhaps, not to be in state, for treasure, to enter into a war with Spain. To which I answer; I know no such thing; the mint beateth well; and the pulses of the people's hearts beat well. But there is another point that taketh away quite this objection: for whereas wars are generally causes of poverty or consumption; on the contrary part, the special nature of this war with Spain, if it be made by sea, is like to be a lucrative and restorative war. So that, if we go roundly on at the first, the war in continuance will find itself. And therefore you must make a great difference between Hercules' labours by land, and Jason's voyage by sea for the golden fleece.

For confederates; I will not take upon me the knowledge, how the princes, states, and councils of Europe, at this day, stand affected towards Spain; for that trencheth into the secret occurrents of the present time, wherewith, in all this treatise, I have forborne to meddle. But to speak of that which lieth open and in view; I see much matter of quarrel and jealousy, but little of amity and trust towards Spain, almost in all other estates. I see France is in competition with them for three noble portions of their monarchy, Navarre, Naples, and Milan; and now freshly in difference with them about the Valtoline. I see once in thirty or forty years cometh a pope, that casteth his eye upon the kingdom of Naples, to recover it to the church: as it was in the minds of Julius the second, Paul the fourth, and Sixtus the fifth. As for that great body of Germany, I see they have greater reason to confederate themselves with the kings of France, and Great Britain, or Denmark, for the liberty of the German nation, and for the expulsion of Spanish and foreign forces, than they had in the years 1552 and 1553. At which time they contracted a league with Henry the second the French king, upon the same articles, against Charles the fifth, who had impatronized himself of a great part of Germany, through the discord of the German princes, which himself had sown and fomented: which league at that time did the deed, and drave out all the Spaniards out of that part of Germany; and redintegrated that nation in their ancient liberty and honour. For the West Indies, though Spain hath had yet not much actual disturbance there, except it have been from England; yet nevertheless I see all princes lay a kind of claim unto them; accounting the title of Spain but as a monopoly of those large countries, wherein they have in great part but an imaginary possession. For Afric upon the west, the Moors of Valentia expulsed, and their allies, do yet hang as a cloud or storm over Spain. Gabor on the east is like an anniversary wind, that riseth every year upon the party of Austria. And Persia hath entered into hostility with Spain, and given them the first blow by taking of Ormus. It is within every man's observation also, that Venice doth think their state almost on fire, if the Spaniards hold the Valtoline. That Savoy hath learned by fresh experience, that alliance with Spain is no security against the ambition of Spain; and that of Bavaria hath likewise been taught, that merit and service doth oblige the Spaniard but from day to day. Neither do I say for all this but that Spain may rectify much of this ill blood by their particular and cunning negotiations: but yet there it is in the body, and may break out, no man knoweth when, into ill accidents: and at least it showeth plainly, that which serveth for our purpose, that Spain is much destitute of assured and confident confederates. And therefore I will conclude this part with the speech of a counsellor of state in Spain at this day, which was not without salt: he said to his master the king of Spain that now is, upon occasion; "Sir, I will tell your Majesty thus much for your comfort; your Majesty hath but two enemies, whereof the one is all the world, and the other is your own ministers." And thus I end the second main part I propounded to speak of; which was, the balancing of the forces between the king's Majesty and the king of Spain, if a war must follow.

LAW TRACTS.

THE ELEMENTS

OF

THE COMMON LAW OF ENGLAND.

CONTAINING,

FIRST,

A COLLECTION OF SOME OF THE PRINCIPAL RULES AND MAXIMS OF THE COMMON LAW, WITH THEIR LATITUDE AND EXTENT.

SECONDLY,

THE USE OF THE COMMON LAW FOR PRESERVATION OF OUR PERSONS, GOODS, AND GOOD NAMES; ACCORDING TO THE LAWS AND CUSTOMS OF THIS LAND.

TO HER SACRED MAJESTY.

I DO here most humbly present and dedicate unto your sacred Majesty a sheaf and cluster of fruit of the good and favourable season, which by the influence of your happy government we enjoy; for if it be true that "silent leges inter arma," it is also as true, that your Majesty is in a double respect the life of our laws; once, because without your authority they are but *litera mortua;* and again, because you are the life of our peace, without which laws are put to silence. And as the vital spirits do not only maintain and move the body, but also contend to perfect and renew it; so your sacred Majesty, who is *anima legis*, doth not only give unto your laws force and vigour; but also hath been careful of their amendment and reforming: wherein your Majesty's proceeding may be compared, as in that part of your government, for if your government be considered in all the parts, it is incomparable, with the former doings of the most excellent princes that ever have reigned, whose study altogether hath been always to adorn and honour times of peace with the amendment of the policy of their laws. Of this proceeding in Augustus Cæsar the testimony yet remains.

"Pace data terris, animum ad civilia vertit
Jure suum; legesque tulit justissimus auctor."

Hence was collected the difference between *gesta in armis* and *acta in toga*, whereof Cicero disputeth thus:

Phil. 1. c. 7. "Ecquid est, quod tam propriè dici possit actum ejus, qui togatus in republica cum potestate imperioque versatus sit, quam lex? quære acta Gracchi: leges Sempronias proferantur. Quære Syllæ: Corneliæ. Quid? Cn. Pompeii tertius consulatus in quibus actis consistit? nempe in legibus. A Cæsare ipso si quæreres quidnam egisset in urbe, et in toga: leges multas se responderet, et præclaras tulisse."

The same desire long after did spring in the emperor Justinian, being rightly called "ultimus imperatorum Romanorum," who having peace in the heart of his empire, and making his wars prosperously in the remote places of his dominions by his lieutenants, chose it for a monument and honour of his government, to revise the Roman laws, and to reduce them from infinite volumes and much repugnancy and uncertainty, into one competent and uniform corps of law; of which matter himself doth speak gloriously, and yet aptly, calling it, "proprium et sanctissimum templum justitiæ consecratum:" a work of great excellency indeed, as may well appear, in that France, Italy, and Spain, which have long since shaken off the yoke of the Roman empire, do yet nevertheless continue to use the policy of that law: but more excellent had the work been, save that the more ignorant and obscure time undertook to correct the more learned and flourishing time. To conclude with the domestic example of one of your Majesty's royal ancestors: King Edward I. your Majesty's famous progenitor, and principal law-giver of our nation, after

be had in younger years given himself satisfaction in glory of arms, by the enterprise of the Holy Land, having inward peace, otherwise than for the invasion which himself made upon Wales and Scotland, parts far distant from the centre of the realm, he bent himself to endow his state with sundry notable and fundamental laws, upon which the government ever since hath principally rested. Of this example, and other the like, two reasons may be given; the one, because that kings, which, either by the moderation of their natures, or the maturity of their years and judgment, do temper their magnanimity with justice, do wisely consider and conceive of the exploits of ambitious wars, as actions rather great than good; and so, distasted with that course of winning honour, they convert their minds rather to do somewhat for the better uniting of human society, than for the dissolving or disturbing of the same. Another reason is, because times of peace, drawing for the most part with them abundance of wealth, and finesse of cunning, do draw also, in farther consequence, multitudes of suits and controversies, and abuses of law by evasions and devices; which inconveniences in such times growing more general, do more instantly solicit for the amendment of laws to restrain and repress them.

Your Majesty's reign having been blest from the Highest with inward peace, and falling into an age, wherein, if science be increased, conscience is rather decayed; and if men's wits be great, their wills are more great; and wherein also laws are multiplied in number, and slackened in vigour and execution; it was not possible but that not only suits in law should multiply and increase, whereof always a great part are unjust, but also that all the indirect and sinister courses and practices to abuse law and justice should have been much attempted, and put in ure, which no doubt had bred great enormities, had they not, by the royal policy of your Majesty, by the censure and foresight of your Council-table and Star-chamber, and by the gravity and integrity of your benches, been repressed and restrained: for it may be truly observed, that, as concerning frauds in contracts, bargains, and assurances, and abuses of laws by delays, covins, vexations, and corruptions in informers, jurors, ministers of justice, and the like, there have been sundry excellent statutes made in your Majesty's time, more in number, and more politic in provision, than in any of your Majesty's predecessors' times.

But I am an unworthy witness to your Majesty of a higher intention and project, both by that which was published by your chancellor in full parliament from your royal mouth, in the five and thirtieth of your happy reign; and much more by that which I have been vouchsafed to understand from your Majesty, imparting a purpose for these many years infused into your Majesty's breast, to enter into a general amendment of the state of your laws, and to reduce them to more brevity and certainty, that the great hollowness and unsafety in assurances of lands and goods may be strengthened, the snaring penalties, that lie upon many subjects, removed, the execution of many profitable laws revived, the judge better directed in his sentence, the counsellor better warranted in his counsel, the student eased in his reading, the contentious suitor, that seeketh but vexation, disarmed, and the honest suitor, that seeketh but to obtain his right, relieved; which purpose and intention, as it did strike me with great admiration when I heard it, so it might be acknowledged to be one of the most chosen works, and of the highest merit and beneficence towards the subject, that ever entered into the mind of any king; greater than we can imagine, because the imperfections and dangers of the laws are covered under the clemency and excellent temper of your Majesty's government. And though there be rare precedents of it in government, as it cometh to pass in things so excellent, there being no precedent full in view but of Justinian; yet I must say as Cicero said to Cæsar, "Nihil vulgare te dignum videri potest;" and as it is no doubt a precious seed sown in your Majesty's heart by the hand of God's divine Majesty, so, I hope, in the maturity of your Majesty's own time, it will come up and bear fruit. But to return thence whither I have been carried; observing in your Majesty, upon so notable proofs and grounds, this disposition in general of a prudent and royal regard to the amendment of your laws, and having by my private labour and travel collected many of the grounds of the common law, the better to establish and settle a certain sense of law, which doth now too much waver in incertainty, I conceived the nature of the subject, besides my particular obligation, was such, as I ought not to dedicate the same to any other than to your sacred Majesty; both because though the collection be mine, yet the laws are yours; and because it is your Majesty's reign that hath been as a goodly seasonable spring weather to the advancing of all excellent arts of peace. And so concluding with a prayer answerable to the present argument, which is, that God will continue your Majesty's reign in a happy and renowned peace, and that he will guide both your policy and arms to purchase the continuance of it with surety and honour, I most humbly crave pardon, and commend your Majesty to the divine preservation.

Your sacred Majesty's most humble and obedient subject and servant,

1596. FRANCIS BACON.

THE PREFACE.

I HOLD every man a debtor to his profession; from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavour themselves, by way of amends, to be a help and ornament thereunto. This is performed in some degree by the honest and liberal practice of a profession, when men shall carry a respect not to descend into any course that is corrupt and unworthy thereof, and preserve themselves free from the abuses wherewith the same profession is noted to be infected; but much more is this performed if a man be able to visit and strengthen the roots and foundation of the science itself; thereby not only gracing it in reputation and dignity, but also amplifying it in profession and substance. Having therefore from the beginning come to the study of the laws of this realm, with a mind and desire no less, if I could attain unto it, that the same laws should be the better by my industry, than that myself should be the better by the knowledge of them; I do not find that by mine own travel, without the help of authority, I can in any kind confer so profitable an addition unto that science, as by collecting the rules and grounds dispersed throughout the body of the same laws; for hereby no small light will be given in new cases, and such wherein there is no direct authority to sound into the true conceit of law, by the depth of reason, in cases wherein the authorities do square and vary, to confirm the law, and to make it received one way; and in cases wherein the law is cleared by authority, yet nevertheless, to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful: so that the uncertainty of law, which is the most principal and just challenge that is made to the laws of our nation at this time, will, by this new strength laid to the foundation, somewhat the more settle and be corrected. Neither will the use hereof be only in deciding of doubts, and helping soundness of judgment, but farther in gracing of argument, in correcting of unprofitable subtlety, and reducing the same to a more sound and substantial sense of law; in reclaiming vulgar errors, and generally in the amendment in some measure of the very nature and complexion of the whole law: and therefore the conclusions of reason of this kind are worthily and aptly called by a great civilian, *legum leges*, for that many *placita legum*, that is, particular and positive learnings of laws, do easily decline from a good temper of justice, if they be not rectified and governed by such rules.

Now for the manner of setting down of them, I have in all points, to the best of my understanding and foresight, applied myself not to that which might seem most for the ostentation of mine own wit or knowledge, but to that which may yield most use and profit to the students and professors of the laws.

And therefore, whereas these rules are some of them ordinary and vulgar, that now serve but for grounds and plain songs to the more shallow and impertinent sort of arguments; others of them are gathered and extracted out of the harmony and congruity of cases, and are such as the wisest and deepest sort of lawyers have in judgment and in use, though they be not able many times to express and set them down.

For the former sort, which a man that should rather write to raise a high opinion of himself, than to instruct others, would have omitted, as trite and within every man's compass; yet nevertheless I have not affected to neglect them, but having chosen out of them such as I thought good, I have reduced them to a true application, limiting and defining their bounds, that they may not be read upon at large, but restrained to point of difference: for as, both in the law and other sciences, the handling of questions by common-place, without aim or application, is the weakest; so yet nevertheless many common principles and generalities are not to be contemned, if they be well derived and deduced into particulars, and their limits and exclusions duly assigned; for there be two contrary faults and extremities in the debating and sifting out of the law, which may be best noted in two several manner of arguments. Some argue upon general grounds, and come not near the point in question: others, without laying any foundation of a ground or difference, do loosely put cases, which, though they go near the point, yet being so scattered, prove not, but rather serve to make the law appear more doubtful than to make it more plain.

Secondly, whereas some of these rules have a concurrence with the civil Roman law, and some others a diversity, and many times an opposition, such grounds which are common to our law and theirs I have not affected to disguise into other words than the civilians use, to the end they might seem invented by me, and not borrowed or translated from them: no, but I took hold of it as a matter of great authority and majesty, to use and consider the concordance between the laws penned, and as it were dictated verbatim, by the same reason. On the other side, the diversities between the civil Roman rules of law and ours, happening either when there is such an indifferency of reason so equally balanced, as the one law embraceth one course, and the other the contrary, and both just, after either is once positive and certain; or where the laws vary in regard of accommodating the law to the different considerations of estate, I have not omitted to set down with the reasons.

Thirdly, whereas I could have digested these rules into a certain method or order, which, I know, would have been more admired, as that which would have made every particular rule, through his coherence and relation unto other rules, seem more cunning and more deep; yet I have avoided so to do, because this delivering of knowledge in distinct and disjoined aphorisms doth leave the wit of man more free to turn and to toss, and to make use of that which is so delivered to more several purposes and applications; for we see that all the ancient wisdom and science was wont to be delivered in that form, as may be seen by the parables of Solomon, and by the aphorisms of Hippocrates, and the moral verses of Theognis and Phocylides; but chiefly the precedent of the civil law, which hath taken the same course with their rules, did confirm me in my opinion.

Fourthly, whereas I know very well it would have been more plausible and more current, if the rules, with the expositions of them, had been set down either in Latin or English; that the harshness of the language might not have disgraced the matter; and that civilians, statesmen, scholars, and other sensible men, might not have been barred from them; yet I have forsaken that grace and ornament of them, and only taken this course: the rules themselves I have put in Latin, not purified farther than the propriety of terms of law would permit; which language I chose, as the briefest to contrive the rules compendiously, the aptest for memory, and of the greatest authority and majesty to be avouched and alleged in argument: and for the expositions and distinctions, I have retained the particular language of our law, because it should not be singular among the books of the same science, and because it is most familiar to the students and professors thereof, and besides that it is most significant to express conceits of law; and to conclude, it is a language wherein a man shall not be enticed to hunt after words but matter; and for excluding any other than professed lawyers, it were better manners to exclude them by the strangeness of the language, than by the obscurity of the conceit: which is such as though it had been written in no private and retired language, yet by those that are not lawyers would for the most part have been either not understood, or, which is worse, mistaken.

Fifthly, whereas I might have made more flourish and ostentation of reading, to have vouched the authorities, and sometimes to have enforced or noted upon them, yet I have abstained from that also; and the reason is, because I judged it a matter undue and preposterous to prove rules and maxims; wherein I had the example of Mr. Littleton and Mr. Fitzherbert, whose writings are the institutions of the laws of England: whereof the one forbeareth to vouch any authority altogether; the other never reciteth a book, but when he thinketh the case so weak in credit of itself as it needeth a surety; and these two I did far more esteem than Mr. Perkins or Mr. Standford, that have done the contrary. Well will it appear to those that are learned in the laws, that many of the cases are judged cases, either within the books, or of fresh report, and most of them fortified by judged cases and similitude of reason; though in some cases I did intend expressly to weigh down authorities by evidence of reason, and therein rather to correct the law, than either to soothe a received error, or by unprofitable subtlety, which corrupteth the sense of the law, to reconcile contrarieties. For these reasons I resolved not to derogate from the authority of the rules, by vouching of the authorities of the cases, though in mine own copy I had them quoted: for although the meanness of mine own person may now at first extenuate the authority of this collection, and that every man is adventurous to control; yet surely, according to Gamaliel's reason, if it be of weight, time will settle and authorize it; if it be light and weak, time will reprove it. So that, to conclude, you have here a work without any glory of affected novelty, or of method, or of language, or of quotations and authorities, dedicated only to use, and submitted only to the censure of the learned, and chiefly of time.

Lastly, there is one point above all the rest I account the most material for making these reasons indeed profitable and instructing; which is, that they be not set down alone, like short dark oracles, which every man will be content to allow still to be true, but in the mean time they give little light and direction; but I have attended them, a matter not practised, no not in the civil law to any purpose: and for want whereof, the rules indeed are but as proverbs, and many times plain fallacies, with a clear and perspicuous exposition, breaking them into cases, and opening their sense and use, and limiting them with distinction, and sometimes showing the reasons whereupon they depend, and the affinity they have with other rules. And though I have thus, with as much discretion and foresight as I could, ordered this work, and as I may say, without all colours or shows, husbanded it best to profit; yet nevertheless not wholly trusting to mine own judgment: having collected three hundred of them, I thought good, before I brought them all into form, to publish some few, that by the taste of other men's opinions in this first, I might receive either approbation in mine own course, or better advise for the altering of the other which remain: for it is great reason that that which is intended to the profit of others, should be guided by the conceits of others.

THE MAXIMS OF THE LAW.

REGULA I.

In jure non remota causa sed proxima spectatur.

It were infinite for the law to consider the causes of causes, and their impulsions one of another; therefore it contenteth itself with the immediate cause, and judgeth of acts by that, without looking to any farther degree.

6 H. 8. Dy. fo. 1. et 2.

As if an annuity be granted "pro consilio impenso et impendendo," and the grantee commit treason, whereby he is imprisoned, so that the grantor cannot have access unto him for his counsel; yet nevertheless the annuity is not determined by this *non-feasance;* yet it was the grantee's act and default to commit the treason, whereby the imprisonment grew: but the law looketh not so far, and excuseth him, because the not giving counsel was compulsory, and not voluntary, in regard of the imprisonment.

Litt cap. Discont. 2 H. 4. 5. 26 H. 8. 2.

So if a parson make a lease, and be deprived, or resign, the successors shall avoid the lease; and yet the cause of deprivation, and more strongly of a resignation, moved from the party himself: but the law regardeth not that, because the admission of the new incumbent is the act of the ordinary.

5 H 7. 35.

So if I be seised of an advowson in gross, and an usurpation be had against me, and at the next avoidance I usurp arere, I shall be remitted: and yet the presentation, which is the act remote, is mine own act; but the admission of my clerk, whereby the inheritance is reduced to me, is the act of the ordinary.

So if I covenant with I. S. a stranger, in consideration of natural love to my son, to stand seised to the use of the said I. S. to the intent he shall infeoff my son; by this no use will rise to I. S. because the law doth respect that there is no immediate consideration between me and I. S.

12 H. 44. H. 8. Dy. f. 1.

So if I be bound to enter into a statute before the mayor of the staple at such a day, for the security of a hundred pounds, and the obligee, before the day, accept of me a lease of a house in satisfaction; this is no plea in debt upon my obligation: and yet the end of this statute was but security for money; but because the entering into this statute itself, which is the mediate act whereto I am bound, is a corporal act which lieth not in satisfaction, therefore the law taketh no consideration that the remote intent was for money.

37 R. Chest.

So if I make a feoffment * in fee, upon condition that the feoffee shall infeoff over, and the feoffee be disseised, and a descent cast, and then the feoffee bind himself in a statute, which statute is discharged before the recovery of the land: this is no breach of the condition, because the land was never liable to the statute, and the possibility that it should be liable upon recovery the law doth not respect.

So if I enfeoff two, upon condition to enfeoff, and one of them take a wife, the condition is not broken; and yet there is a remote possibility that the jointenant may die, and then the feme is entitled to dower.

So if a man purchase land in fee-simple, and die without issue; in the first degree the law respecteth dignity of sex, and not proximity; and therefore the remote heir on the part of the father shall have it, before the near heir on the part of the mother: but in any degree paramount the first the law respecteth it not, and therefore the near heir by the grandmother on the part of the father shall have it, before the remote heir of the grandfather on the part of the father.

This rule faileth in covinous acts, which though they be conveyed through many degrees and reaches, yet the law taketh heed to the corrupt beginning, and counteth all as one entire act.

37 R. Dacre's case, obiter.

As if a feoffment be made of lands held in knight's service to I. S. upon condition that he within a certain time shall enfeoff I. D. which feoffment to I. D. shall be to the wife of the first feoffer for her jointure, &c. this feoffment is within the statute of 32 H. VIII. "nam dolus circuitu non purgatur."

In like manner this rule holdeth not in criminal acts, except they have a full interruption; because when the intention is matter of substance, and that which the law doth principally behold, there the first motive must be principally regarded, and not the last impulsion. As if I. S. of malice prepense discharge a pistol at I. D. and miss him, whereupon he throws down his pistol and flies, and I. D. pursueth him to kill him, whereupon he turneth and killeth I. D. with a dagger; if the law should consider the last impulsive cause, it should say that this was in his own defence; but the law is otherwise, for it is but a pursuance and execution of the first murderous intent.

Op. Cattelyn et autres in case de Stoel

But if I. S. had fallen down, his dagger drawn, and I. D. had fallen by haste upon his dagger, there I. D. had been felo de se, and I. S. shall go quit.

41 Ed. 3.

Also you may not confound the act with the execution of the act; nor the entire act with the last part, or the consummation of the act.

For if a disseisor enter into religion, the immediate cause is from the

Lit. cap de discent.

* M. 40 et 41. El. Julius Winnington's case, ore report per le très reverend Judge, le Sur Coke, lib. 2.

party though the descent be cast in law; but the law doth but execute the act which the party procureth, and therefore the descent shall not bind, *et sic e converso.*

21 Eliz. If a lease for years be made rendering rent, and the lessee make a feoffment of part, and the lessor enter, the immediate cause is from the law in respect of the forfeiture, 24 H. 8 fo. 4. Dy. 21 R. though the entry be the act of the party; but that is but the pursuance and putting in execution of the title which the law giveth: and therefore the rent or condition shall be apportioned.

So in the binding of a right by descent, you are to consider the whole time from the disseisin to the descent cast; and if at all times the person be not privileged, the descent binds.

6 H. 7. 24. 3 et 4 P. et M. Dr. 142. And therefore if a feme covert be disseised, and the baron dieth, and she taketh a new husband, and then the descent is cast: or if a man that is not "infra quatuor maria," be disseised, and return into England, and go over sea again, and then a descent is cast, this descent bindeth, because of the interim when the persons might have entered; and the law respecteth not the state of the person at the last time of the descent cast, but a continuance from the very disseisin to the descent.

4 et 5 P. et M. Dy. 150. So if baron and feme be, and they join in feoffment of the wife's land rendering rent, and the baron die, and the feme take a new husband before any rent-day, and he accept the rent, the feoffment is affirmed for ever.

REGULA II.

Non potest adduci exceptio ejusdem rei, cujus petitur dissolutio.

It were impertinent and contrary in itself, for the law to allow of a plea in bar of such matter as is to be defeated by the same suit; for it is included: and otherwise a man should never come to the end and effect of his suit, but be cut off in the way.

And therefore if tenant in tail of a manor, whereunto a villain is regardant, discontinue and die, and the right of entail descend unto the villain himself, who brings *formedon*, and the discontinuee pleadeth villenage; this is no plea, because the devester of the manor, which is the intent of the suit, doth include this plea, because it determineth the villenage.

30 E. 3. So if tenant in ancient demesne be disseised by the lord, whereby the seigniory is suspended, and the disseisee bring his assize in the court of the lord, frank fee is no plea, because the suit is to undo the disseisin, and to receive the seigniory in ancient demesne.

7 H. 4. 39. 7 H. 6. 44. So if a man be attainted and executed, and the heir bring error upon the attainder, and corruption of blood by the same attainder be pleaded, to interrupt his conveying in the said writ of error; this is no plea, for then he were without remedy ever to reverse the attainder.

3 Ed. 3. 32. So if tenant in tail discontinue for life rendering rent, and the issue brings *formedon*, and the warrant of his ancestor with assets is pleaded against him, and the assets is layed to be no other but his reversion with the rent; this is no plea, because the *formedon* which is brought to undo this discontinuance, doth inclusively undo this new reversion in fee, and the rent thereunto annexed.

But whether this rule may take place when the matter of the plea is not to be avoided in the same suit but in another suit, is doubtful; and I rather take the law to be, that this rule doth extend to such cases; where otherwise the party were at a mischief, in respect the exceptions or bars might be pleaded cross, either of them, in the contrary suit; and so the party altogether prevented and intercepted to come by his right.

So if a man be attainted by two several attainders, and there is error in them both, there is no reason but there should be a remedy open for the heir to reverse those attainders being erroneous, as well if they be twenty as one.

And therefore, if in the writ of error brought by the heir of one of them, the other attainder should be a plea peremptory; and so again, if in error brought of that other, the former should be a plea; these were to exclude him utterly of his right: and therefore it shall be a good replication to say, that he hath a writ of error depending of that also, and so the court shall proceed: but no judgment shall be given till both pleas be discussed; and if either plea be found without error, there shall be no reversal either of the one or of the other; and if he discontinue either writ, then shall it be no longer a plea: and so of several outlawries in a personal action.

And this seemeth to me more reasonable, than that generally an outlawry or an attainder should be no plea in a writ of error brought upon a diverse outlawry or attainder, as 7 H. IV. and 7 H. VI. seem to hold; for that is a remedy too large for the mischief; for there is no reason but if any of the outlawries be indeed without error, but it should be a peremptory plea to the person in a writ of error, as well as in any other action.

But if a man levy a fine "sur conusaunce de droit come ceo que il ad de son done," and suffer a recovery of the same lands, and there be error in them both, he cannot bring error first of the fine, because by the recovery his title of error is discharged and released in law *inclusivè*, but he must begin with the error upon the recovery, 37 R. which he may do, because a fine executed barreth no titles that accrue *de puisne tems* after the fine levied, and so restore himself to his title of error upon the fine: but so it is not in the former case of the attainder; for the writ of error to a former attainder is not given away by a second, except it be by express words of an act of parliament, but only it remaineth a plea to his person while he liveth, and to the conveyance of the heir after his death.

But if a man levy a fine where he hath nothing in the land, which inureth by way of conclusion only, and is executory against all purchases and new titles which shall grow to the conusor afterwards, and he purchase the land, and suffer a recovery to

the conusee, and in both fine and recovery there is error; this fine is *Janus bifrons*, and will look forwards, to bar him in the writ of error brought of the recovery: and therefore it will come to the reason of the first cause of the attainder, that he must reply, that he hath a writ of error also depending of the same fine, and so demand judgment.

16 E. 3. Fitz. age, 45. To return to our first purpose, like law is it if tenant in tail of two acres make two several discontinuances to two several persons for life rendering, and bring the *formedon* of both, and in *formedon* brought of white acre the reversion and rent reserved upon black acre is pleaded, and so contrary. I take it to be a good replication, that he hath *formedon* also upon that depending, whereunto the tenant hath pleaded the descent of the reversion of white acre; and so neither shall be a bar: and yet there is no doubt but if in a *formedon* the warrant of tenant in tail with assets be pleaded, it is a replication for the issue to say, that a *præcipe* dependeth brought by I. S. to evict the assets.

But the former case standeth upon the particular reason before mentioned.

REGULA III.

Verba fortius accipiuntur contra proferentem.

This rule, that a man's deeds and his words shall be taken strongliest against himself, though it be one of the most common grounds of the law, it is notwithstanding a rule drawn out of the depth of reason; for, first, it is a schoolmaster of wisdom and diligence in making men watchful in their own business; next it is author of much quiet and certainty, and that in two sorts; first, because it favoureth acts and conveyances executed, taking them still beneficially for the grantees and possessors: and secondly, because it makes an end of many questions and doubts about construction of words; for if the labour were only to pick out the intention of the parties, every judge would have a several sense; whereas this rule doth give them a sway to take the law more certainly one way.

But this rule, as all other rules which are very general, is but a sound in the air, and cometh in sometimes to help and make up other reasons without any great instruction or direction; except it be duly conceived in point of difference, where it taketh place, and where not. And first we will examine it in grants, and then in pleadings.

The force of this rule is in three things, in ambiguity of words, in implication of matter, and reducing and qualifying the exposition of such grants as were against the law, if they were taken according to their words.

2 R. 3. 18. 21 H. 7. 29. And therefore if I. S. submit himself to arbitrement of all actions and suits between him and I. D. and I. N. it rests ambiguous whether this submission shall be intended *collectivè* of joint actions only, or *distributivè* of several actions also; but because the words shall be strongliest taken against I. S. that speaks them, it shall be understood of both: for if I. S. had submitted himself to arbitrement of all actions and suits which he hath now depending, except it be such as are between him and I. D. and I. N. now it shall be understood *collectivè* only of joint actions because in the other case large construction was hardest against him that speaks, and in this case strict construction is hardest.

So if I grant ten pounds rent to baron and feme, and if the baron die that the feme shall have three pounds rent, because these words rest ambiguous whether I intend three pounds by way of increase, or three pounds by way of restraint and abatement of the former rent of ten pounds, it shall be taken strongliest against me that am the grantor, that is, three pounds addition to the ten pounds: but if I had let lands to baron and feme for three lives, reserving ten pounds per annum, and, if the baron die, reddendum three pounds, this shall be taken contrary to the former case, to abridge my rent only to three pounds. 8 Ass. p. 14

So if I demise "omnes boscos meos in villa de Dale" for years, this passeth the soil; but if I demise all my lands in Dale "exceptis boscis," this extendeth to the trees only, and not to the soil. 14 H. 8. 28 H. 8. Dr. 19.

So if I sow my land with corn, and let it for years, the corn passeth to the lessee, if I except it not; but if I make a lease for life to I. S. upon condition that upon request he shall make me a lease for years, and I. S. sow the ground, and then I make request, I. S. may well make me a lease excepting his corn, and not break the condition.

So if I have free warren in my own land, and let my land for life, not mentioning my warren, yet the lessee by implication shall have the warren discharged and extinct during his lease: but if I had let the land "una cum libera garrena," excepting white acre, there the warren is not by implication reserved unto me either to be enjoyed or to be extinguished; but the lessee shall have the warren against me in white acre. 8 H. 6. 5. 32 H. 6. 34. 28 H. 8. Dy. 30 b.

So if I. S. hold of me by fealty and rent only, and I grant the rent, not speaking of the fealty; yet the fealty by implication shall pass, because my grant shall be taken strongly as of rent service, and not of rent secke. 29 Ass. pl. 28.

Otherwise had it been if the seigniory had been by homage, fealty, and rent, because of the dignity of the service, which could not have passed by intendment, by the grant of the rent: but if I be seised of the manor of Dale in fee, whereof I. S. holds by fealty and rent, and I grant the manor, excepting the rent of I. S. there the fealty shall pass to the grantee, and I shall have but a rent secke. 44 Ed. 3. 28. 28 Ass. pl. 68.

So in grants against the law, if I give land to I. S. and his heirs males, this is a good fee-simple, which is a larger estate than the words seem to intend, and the word "males" is void. But if I make a gift in tail, reserving rent to me and the heirs of my body, the words "of my body" are void, and so leave it a rent in fee-simple; but the words "heirs and all" are void, and leaves that

not a rent for life; except that you will say, it is but a limitation to any my heir in fee-simple which shall be heir of my body; for it cannot be a rent in tail by reservation.

43 Ed. 3. 290. 24 R. But if I give lands with my daughter in frank marriage, the remainder to I. S. and his heirs, this grant cannot be good in all parts, according to the words: for it is incident to the nature of a gift in frank marriage, that the donee hold of the donor; and therefore my deed shall be taken so strongly against myself, that rather than the remainder shall be void, the frank marriage, though it be first placed in the deed, shall be void as a frank marriage.

4 H. 6. 22. 26 Ass. pl. 66. But if I give land in frank marriage, reserving to me and my heirs ten pounds rent, now the frank marriage stands good, and the reservation is void, because it is a limitation of a benefit to myself, and not to a stranger.

So if I let white acre, black acre, and green acre to I. S. excepting white acre, this exception is void, because it is repugnant; but if I let the three acres aforesaid, reddendo twenty shillings rent, viz. for white acre ten shillings, and for black acre ten shillings, I shall not distrain at all in green acre, but that shall be discharged of my rent.

48 E. 3. 18. So if I grant a rent to I. S. and his heirs out of my manor of Dale, "et obligo manerium prædictum et omnia bona et catalla mea super manerium prædictum existentia ad distringendum per ballivos domini regis:" this limitation of the distress to the king's bailiffs is void, and it is good to give a power of distress to I. S. the grantee, and his bailiffs.

2 Ed. 4. 5. But if I give land in tail "tenendo de capitalibus dominis per redditum viginti solidorum per fidelitatem:" this limitation of tenure to the chief lord is void; but it shall not be good, as in the other case, to make a reservation of twenty shillings good unto myself; but it shall be utterly void, as if no reservation at all had been made: and if the truth be that I, that am the donor, hold of the lord paramount by ten shillings only, then there shall be ten shillings only intended to be reserved upon the gift in tail as for ovelty.

11 Ed. 2. 49. 31 et 32 H. 8. Dyer 46. Plow. 6. 37. 35 H. 6. 34. So if I give land to I. S. and the heirs of his body, and for default of such issue "quod tenementum prædictum revertatur ad I. N." yet these words of reversion will carry a remainder to a stranger. But if I let white acre to I. S. excepting ten shillings rent, these words of exception to mine own benefit shall never inure to words of reservation. But now it is to be noted, that this rule is the rule which is last to be resorted to, and is never to be relied upon but where all other rules of exposition of words fail: and if any other rule come in place, this giveth place. And that is a point worthy to be observed generally in the rules of the law, that when they encounter and cross one another in any case, that be understood which the law holdeth worthier, and to be preferred; and it is in this particular very notable to consider, that this being a rule of some strictness and rigor, doth not, as it were, his office, but in absence of other rules which are of some equity and humanity; which rules you shall find afterwards set down with their expositions and limitations.

But now to give a taste of them to this present purpose: it is a rule, that general words shall never be stretched to foreign intendment, which the civilians utter thus: "Verba generalia restringuntur ad habilitatem personæ, vel ad aptitudinem rei."

14 Ass. pl. 21. Therefore if a man grant to another common "intra metas et bundas villæ de Dale," and part of the ville is his several, and part is his waste and common; the grantee shall not have common in the several: and yet that is the strongest exposition against the grantor.

Lit. cap. cond. So it is a rule, "Verba ita sunt intelligenda, ut res magis valeat, quam pereat:" and therefore if I give land to I. S. and his heirs "reddendo quinque libros annuatim" to I. D. and his heirs, this implies a condition to me that am the grantor; yet it were a stronger exposition against me, to say the limitation should be void, and the feoffment absolute.

10 Ed. 4. 1. So it is a rule, that the law will not intend a wrong, which the civilians utter thus: "Ea est accipienda interpretatio, quæ vitio caret." And therefore if the executors of I. S. grant "omnia bona et catalla sua," the goods which they have as executors, will not pass, because *non constat* whether it may not be a devastation, and so a wrong; and yet against the trespasser that taketh them out of their possession, they shall declare "quod bona sua cepit."

So it is a rule, words are so to be understood that they work somewhat, and be not idle and frivolous: "Verba aliquid operari debent, verba cum effectu sunt accipienda." And therefore if I bargain and sell you four parts of my manor of Dale, and say not in how many parts to be divided, this shall be construed four parts of five, and not of six or seven, &c. because that it is the strongest against me; but on the other side, it shall not be intended four parts of four parts, that is, whole of four quarters; and yet that were strongest of all, but then the words were idle and of none effect.

3 H. 6. 20. So it is a rule, "Divinatio non interpretatio est, quæ omnino recedit a litera:" and therefore if I have a free rent or free farm-rent issuing out of white acre of ten shillings, and I reciting the same reservation do grant to I. S. the rent of five shillings "percipiend' de reddit' prædict' et de omnibus terris et tenementis meis in Dale," with a clause of distress, although there be atturnement, yet nothing passeth out of my former; and yet that were strongest against me to have it a double rent, or grant of part of that rent with an enlargement of a distress in the other land, but for that it is against the words, because "copulatio verborum indicat exceptionem in eodem sensu," and the word *de*, *anglicè* out of, may be taken in two senses, that is, either as a greater sum out of a less, or as a charge out of land, or other principal interest; and that the coupling of it with lands and tenements, doth define the sense to be one rent

issuing out of another, and not as a lesser rent to be taken by way of computation out of a greater; therefore nothing passeth of that rent. But if it stood of itself without these words of land and tenements, namely, I reciting that I am seised of such a rent of ten shillings, do grant five shillings "percipiend' de eodem reddit'," it is good enough without atturnement: because "percipiend' de," etc. may well be taken for "parcella de," etc. without violence to the words; but if it had been "percipiend' de," I. S. without saying *de redditibus prædict'*, although I. S. be the person that payeth me the foresaid rent of ten shillings, yet it is void: and so it is of all other rules of exposition of grants, when they meet in opposition with this rule, they are preferred.

Now to examine this rule in pleadings as we have done in grants, you shall find that in all imperfections of pleadings, whether it be in ambiguity of words and double intendments, or want of certainty and averments, or impropriety of words, or repugnancy and absurdity of words, even the plea shall be strictly and strongly taken against him that pleads.

22 H. 6. 43. For ambiguity of words, if in a writ of entry upon disseisin, the tenant pleads jointenancy with I. S. of the gift and feoffment of I. D. judgment *de briefe*, the demandant saith that long time before I. D. any thing had, the demandant himself was seised in fee "quodque supdict' I. D. super possessionem ejus intravit," and made a joint feoffment, whereupon he the demandant re-entred, and so was seised until by the defendant alone he was disseised; this is no plea, because the word *intravit* may be understood either of a lawful entry, or of a tortious; and the hardest against him shall be taken, which is, that it was a lawful entry; therefore he should have alleged precisely that I. D. *disseisivit*.

3 Ed. 6. Dy. 66. So upon ambiguity that grows by reference, if an action of debt be brought against I. N. and I. P. sheriffs of London, upon an escape, and the plaintiff doth declare upon an execution by force of a recovery in the prison of Ludgate "sub custodia I. S. et I. D." then sheriffs in 1 K. H. VIII. and that he so continued *sub custodia I. B. et I. G.* in 2 K. H. VIII. and so continued *sub custodia I. N. et I. L.* in 3 K. H. VIII. and then was suffered to escape: I. N. and I. L. plead, that before the escape, supposed at such a day "anno superius in narratione specificato," the said I. D. and I. S. "ad tunc vicecomites" suffered him to escape; this is no good plea, because there be three years specified in the declaration, and it shall be hardliest taken that it was 1 or 3 H. VIII. when they were out of office; and yet it is nearly induced by the "ad tunc vicecomites," which should leave the intendment to be of that year in which the declaration supposeth that they were sheriffs; but that sufficeth not, but the year must be alleged in fact, for it may be it was mislaid by the plaintiff, and therefore the defendants meaning to discharge themselves by a former escape, which was not in their time, must allege it precisely.

26 H. 8. For incertainty of intendment, if a warranty collateral be pleaded in bar, and the plaintiff by replication, to avoid warranty, saith, that he entered upon the possession of the defendant, *non constat* whether this entry was in the life of the ancestor, or after the warranty attached; and therefore it shall be taken in hardest sense, that it was after the warranty descended, if it be not otherwise averred.

For impropriety of words, if a man plead that his ancestor died by protestation seised, and that I. S. abated, &c. this is no plea, for there can be no abatement except there be a dying seised alleged in fact; and an abatement shall not improperly be taken for disseisin in pleading, "car parols font pleas." 28 H. 6 14. 30 H. 6. 5.

For repugnancy, if a man in avowry declares that he was seised in his demesne as of fee of white acre, and being so seised did demise the same white acre to I. S. *habendum* the moiety for twenty-one years from the date of the deed, the other moiety from the surrender, expiration, or determination of the estate of I. D. "qui tenet prædict' medietatem ad terminum vitæ suæ reddend'" 40*s.* rent: this declaration is insufficient, because the seisin that he hath alleged in himself is his demesne as of fee in the whole, and the state for life of a moiety, are repugnant; and it shall not be cured by taking the last which is expressed to control the former, which is but general and formal; but the plea is naught, yet the matter in law had been good to have entitled him to have distrained for the whole rent. 9 R. Dy. fo. 24

But the same restraint follows this rule in pleading that was before noted in grants: for if the case be such as falleth within any other rule of pleadings, then this rule may not be urged.

And therefore it is a rule that a bar is good to a common intent. As if a debt be brought against five executors, and three of them make default, and two appear and plead in bar a recovery had against them two of 300*l.* and nothing in their hands over and above that sum: if this bar should be taken strongliest against them, then it should be intended that they might have abated the first suit, because the other three were not named, and so the recovery not duly had against them: but because of this other rule the bar is good: for that the more common intent will say, that they two only did administer, and so the action well conceived; rather than to imagine, that they would have lost the benefit and advantage of abating of the writ. 9 Ed. 4. 4 Ed. 6 Plow.

So there is another rule, that in pleading a man shall not disclose that which is against himself: and therefore if it be a matter that is to be set forth on the other side, then the plea shall not be taken in the hardest sense, but in the most beneficial, and to be left unto the contrary party to allege.

And therefore if a man be bound in an obligation, that if the feme of the obligee do decease before the feast of St. John the Baptist which shall be in the year of our Lord God 1598, without issue of her body by her husband lawfully begotten then living, that then the bond shall be void; and in debt brought upon this obli- 28 H. 8 Dy. fo. 17.

gation the defendant pleads the feme died before the said feast without issue of her body then living: if this plea should be taken strongliest against the defendant, then should it be taken that the feme had issue at the time of her death, but issue died before the feast; but that shall not be so understood, because it makes against the defendant, and it is to be brought in on the plaintiff's side, and that without traverse.

30 E. 3. So if in a detinue brought by a feme against the executors of her husband for the reasonable part of the goods of her husband, and her demand is of a moiety, and she declares upon the custom of the realm, by which the feme is to have a moiety, if there be no issue between her and her husband, and the third part if there be issue had, and declareth that her husband died without issue had between them; if this count should be hardliest construed against the party, it should be intended that her husband had issue by another wife, though not by her, in which case the feme is but to have the third part likewise; but that shall not be so intended, because it is matter of reply to be showed of the other side.

And so it is of all other rules of pleadings, these being sufficient not for the exact expounding of these other rules, but *obiter* to show how this rule which we handle is put by when it meets with any other rule.

As for acts of parliament, verdicts, judgments, &c. which are not words of parties, in them this rule hath no place at all, neither in devises and wills, upon several reasons; but more especially it is to be noted, that in evidence it hath no place, which yet seems to have some affinity with pleadings, especially when demurrer is joined upon the evidence.

12 14 R. P. 412. And therefore if land be given by will by H. C. to his son I. C. and the heirs males of his body begotten; the remainder to F. C. and the heirs males of his body begotten; the remainder to the heirs males of the body of the devisor; the remainder to his daughter S. C. and the heirs of her body, with a clause of perpetuity; and the question comes upon the point of forfeiture in an assize taken by default, and evidence is given, and demurrer upon evidence, and in the evidence given to maintain the entry of the daughter upon a forfeiture, it is not set forth nor averred that the devisor had no other issue male, yet the evidence is good enough, and it shall be so intended; and the reason thereof cannot be, because a jury may take knowledge of matters not within the evidence; and the court contrariwise cannot take knowledge of any matter not within the pleas; for it is clear that if the evidence had been altogether remote, and not proving the issue there, although the jury might find it, yet a demurrer may well be taken upon the evidence.

But I take the reason of difference between pleadings, which are but openings of the case, and evidences which are the proofs of an issue, to be, that pleadings being but to open the verity of the matter in fact indifferently on both parts, have no scope and conclusion to direct the construction and intendment of them, and therefore must be certain; but in evidence and proofs, the issue, which is the state of the question and conclusion, shall incline and apply all the proofs as tending to that conclusion.

Another reason is, that pleadings must be certain, because the adverse party may know whereto to answer, or else he were at a mischief, which mischief is remedied by a demurrer; but in evidence, if it be short, impertinent, or uncertain, the adverse party is at no mischief, because it is to be thought that the jury will pass against him; yet nevertheless because the jury is not compellable to supply defect of evidence out of their own knowledge, though it be in their liberty so to do; therefore the law alloweth a demurrer upon evidence also.

REGULA IV.

Quod sub certa forma concessum vel reservatum est, non trahitur ad valorem vel compensationem.

The law permitteth every man to part with his own interest, and to qualify his own grant, as it pleaseth himself; and therefore doth not admit any allowance or recompence, if the thing be not taken as it is granted.

So in all profits *a prender*, if I grant common for ten beasts, or ten loads of wood out of my coppice, or ten loads of hay out of my meads, to be taken for three years; he shall not have common for thirty beasts, or thirty loads of wood or hay, the third year, if he forbear for the space of two years: here the time is certain and precise. 17 H. 6. 10.

So if the place be limited, as if I grant estovers to be spent in such a house, or stone towards the reparation of such a castle; although the grantee do burn of his fuel and repair of his own charge, yet he can demand no allowance for that he took it not.

So if the kind be specified, as if I let my park reserving to myself all the deer and sufficient pasture for them, if I do decay the game whereby there is no deer, I shall not have quantity of pasture answerable to the feed of so many deer as were upon the ground when I let it; but am without any remedy except I will replenish the ground again with deer.

But it may be thought that the reason of these cases is the default and laches of the grantor, which is not so.

For put the case that the house where the estovers should be spent be overthrown by the act of God, as by tempest, or burnt by the enemies of the king, yet there is no recompence to be made.

And in the strongest case where it is in default of the grantor, yet he shall make void his own grant rather than the certain form of it should be wrested to an equity or valuation.

As if I grant common "ubicunque averia mea ierint," the commoner cannot otherwise entitle himself, except that he aver that in such grounds my beasts have gone and fed; and if I never put in any, but occupy my grounds otherwise, he is without remedy; but if I once put in, and after by poverty or otherwise desist, yet the commoner may continue; contrariwise, if the words 9 H. 6. 36.

of the grant had been "quandocunque averia mea ierint," for there it depends continually upon the putting in of my beasts, or at least the general seasons when I put them in, not upon every hour or moment.

But if I grant "tertiam advocationem" to I. S. if he neglect to take his turn *ea vice*, he is without remedy: but if my wife be before entitled to dower, and I die, then my heir shall have two presentments, and my wife the third, and my grantee shall have the fourth; and it doth not impugn this rule at all, because the grant shall receive that construction at the first that it was intended such an avoidance as may be taken and enjoyed; as if I grant "proximam advocationem" to I. D. and then grant "proximam advocationem" to I. S. this shall be intended the next to the next, that is, the next which I may lawfully grant or dispose.

29 H. 8. Dy. 35.

But if I grant "proximam advocationem" to I. S. and I. N. is incumbent, and I grant by precise words, "illam advocationem, quæ post mortem, resignationem, translationem, vel deprivationem I. N. immediate fore contigerit;" now this grant is merely void, because I had granted that before, and it cannot be taken against the words.

REGULA V.

Necessitas inducit privilegium quoad jura privata.

The law chargeth no man with default where the act is compulsory and not voluntary, and where there is not a consent and election; and therefore if either an impossibility be for a man to do otherwise, or so great a perturbation of the judgment and reason as in presumption of law man's nature cannot overcome, such necessity carrieth a privilege in itself.

4 Ed. 6. cond. 9. 6.

Necessity is of three sorts, necessity of conservation of life, necessity of obedience, and necessity of the act of God, or a stranger.

Stamf.

First, for conservation of life: if a man steal viands to satisfy his present hunger, this is no felony nor larceny.

So if divers be in danger of drowning by the casting away of some boat or bark, and one of them get to some plank, or on the boat's side, to keep himself above water, and another to save his life thrust him from it, whereby he is drowned; this is neither *se defendendo* nor by misadventure, but justifiable.

Con. 13. per. Brooke. 15 H. 7. 2. per Keble 14 H. 7. 29. per Read. 4 Ed. 6. pl. condition. 4 Ed. 6. 20. condition.

So if divers felons be in a gaol, and the gaol by casualty is set on fire, whereby the prisoners get forth; this is no escape, nor breaking of prison.

So upon the statute, that every merchant that setteth his merchandise on land without satisfying the customer or agreeing for it, which agreement is construed to be in certainty, shall forfeit his merchandise, and it is so that by tempest a great quantity of the merchandise is cast overboard, whereby the merchant agrees with the customer by estimation, which falleth out short of the truth, yet the over quantity is not forfeited by reason of the necessity; where note, that necessity dispenseth with the direct letter of a statute law.

So if a man have right to land, and do not make his entry for terror of force, the law allows him a continual claim, which shall be as beneficial to him as an entry; so shall a man save his default of appearance by *crestine de eau*, and avoid his debt by *duresse*, whereof you shall find proper cases elsewhere.

Lit. pl. 4. 19 12 H. 4. 30. 14 H. 4. 30. B. 38 H. 6. 11. 28 H. 6. 8. 39 H. 6. 50. Stamf. 26 2 Ed. 3. 160. Cor. Fitzh.

The second necessity is of obedience; and therefore where baron and feme commit a felony, the feme can neither be principal nor accessary; because the law intends her to have no will, in regard of the subjection and obedience she oweth to her husband.

So one reason among others why ambassadors are used to be excused of practices against the state where they reside, except it be in point of conspiracy, which is against the law of nations and society, is, because *non constat* whether they have it *in mandatis*, and then they are excused by necessity of obedience.

So if a warrant or precept come from the king to fell wood upon the ground whereof I am tenant for life or for years, I am excused in waste.

The third necessity is of the act of God, or of a stranger, as if I be particular tenant for years of a house, and it be overthrown by grand tempest, or thunder and lightning, or by sudden floods, or by invasion of enemies, or if I have belonging unto it some cottages which have been infected, whereby I can procure none to inhabit them, no workmen to repair them, and so they fall down; in all these cases I am excused in waste: but of this last learning when and how the act of God and strangers do excuse men, there be other particular rules.

B. 43 Ed. 3. 6 B. Wast. 31. 42 Ed. 3. 6 19 Ed. 3. per Fitz. Wast. 30 32 Ed. 3. Fitzh Wast. 105 44 Ed. 3. 21

But then it is to be noted, that necessity privilegeth only "quoad jura privata," for in all cases if the act that should deliver a man out of the necessity be against the commonwealth, necessity excuseth not; for "privilegium non valet contra rempublicam:" and as another saith, "necessitas publica est major quam privata:" for death is the last and farthest point of particular necessity, and the law imposeth it upon every subject, that he prefer the urgent service of his prince and country before the safety of his life: as if in danger of tempest those that are in a ship throw overboard other men's goods, they are not answerable; but if a man be commanded to bring ordnance or munition to relieve any of the king's towns that are distressed, then he cannot for any danger of tempest justify the throwing them overboard; for there it holdeth which was spoken by the Roman, when he alleged the same necessity of weather to hold him from embarking, "Necesse est ut eam, non ut vivam." So in the case put before of husband and wife, if they join in committing treason, the necessity of obedience doth not excuse the offence as it doth in felony, because it is against the commonwealth.

So if a fire be taken in a street, I may justify the pulling down of the wall or house of another man to save the row from the spreading of the fire; but if I be assailed in my house, in a city or town, and be distressed, and to save mine own life I set fire on mine own house, which spreadeth and taketh hold on the other houses adjoining, this is not justifiable, but I am subject to their action upon the case, because I cannot rescue mine own life by doing any thing against the commonwealth: but if it had been but a private trespass, as the going over another's ground, or the breaking of his enclosure when I am pursued, for the safeguard of my life, it is justifiable.

12 H. 8. 16. per Shelly.

12 H. 8. 10. per Brooke. 22 Ass. pl. 56. 6 E. 4. 7. per Sarea.

This rule admitteth an exception when the law intendeth some fault or wrong in the party that hath brought himself into the necessity; so that it is *necessitas culpabilis*. This I take to be the chief reason why *seipsum defendendo* is not matter of justification, because the law intends it hath a commencement upon an unlawful cause, because quarrels are not presumed to grow but upon some wrongs in words or deeds on either part, and the law thinking it a thing hardly triable in whose default the affray or quarrel began, supposeth the party that kills another in his own defence not to be without malice; and therefore as it doth not touch him in the highest degree, so it putteth him to sue out his pardon of course, and punisheth him by forfeiture of goods: for where there can be no malice nor wrong presumed, as where a man assails me to rob me, and I kill him; or if a woman kill him that assaileth to ravish her, it is justifiable without pardon.

4 H. 7. 2. Stamford, 21. qu. 15.

So the common case proveth this exception, that is, if a madman commit a felony, he shall not lose his life for it, because his infirmity came by the act of God: but if a drunken man commit a felony, he shall not be excused, because his imperfection came by his own default; for the reason of loss and deprivation of will and election by necessity and by infirmity is all one, for the lack of *arbitrium solutum* is the matter: and therefore as *necessitas culpabilis* excuseth not, no more doth *infirmitas culpabilis*.

24 H. 7. 13. Stamf. 16.

REGULA VI.

Corporalis injuria non recipit æstimationem de futuro.

The law, in many cases that concern lands or goods, doth deprive a man of his present remedy, and turneth him over to some farther circuit of remedy, rather than to suffer an inconvenience: but if it be a question of personal pain, the law will not compel him to sustain it and expect a remedy, because it holdeth no damages a sufficient recompence for a wrong which is corporal.

As if the sheriff make a false return that I am summoned, whereby I lose my land; yet because of the inconvenience of drawing all things to incertainty and delay, if the sheriff's return should not be credited, I am excluded of any averment against it, and am put to mine action of deceit against the sheriff and somners: but if the sheriff upon a *capias* return a "cepi corpus, et quod est languidus in prisona," there I may come in and falsify the return of the sheriff to save my imprisonment.

5 Ed. 4. 80.

3 H. 6. 3.

So if a man menace me in my goods, and that he will burn certain evidences of my land which he hath in his hand, if I will not make unto him a bond, yet if I enter into bond by this terror, I cannot avoid it by plea, because the law holdeth it an inconvenience to avoid specialty by such matter of averment; and therefore I am put to mine action against such menacer: but if he restrain my person, or threaten me with battery, or with burning of my house, which is a safety and protection to my person, or with burning an instrument of manumission, which is evidence of my enfranchisement; if upon such menace or duresse I enter into a bond, I shall avoid it by plea.

7 Ed. 4. 21.

So if a trespasser drive away my beasts over another's ground, and I pursue them to rescue them, yet am I a trespasser to the stranger upon whose ground I come: but if a man assail my person, and I fly over another's ground, now am I no trespasser.

13 H. 8. 5. 21 H. 7. 28.

This ground some of the canonists do aptly infer out of the saying of Christ, "Amen, est corpus supra vestimentum," where they say *vestimentum* comprehendeth all outward things appertaining to a man's condition, as lands and goods, which, they say, are not in the same degree with that which is corporal; and this was the reason of the ancient "lex talionis, oculus pro oculo, dens pro dente," so that by that law, "corporalis injuria de præterito non recipit æstimationem:" but our law, when the injury is already executed and inflicted, thinketh it best satisfaction to the party grieved to relieve him in damages, and to give him rather profit than revenge; but it will never force a man to tolerate a corporal hurt, and to depend upon that same inferior kind of satisfaction, *ut in damagiis*.

REGULA VII.

Excusat aut extenuat delictum in capitalibus quod non operatur idem in civilibus.

In capital causes *in favorem vitæ*, the law will not punish in so high a degree, except the malice of the will and intention appear; but in civil trespasses and injuries that are of an inferior nature, the law doth rather consider the damage of the party wronged, than the malice of him that was the wrong-doer: and therefore,

The law makes a difference between killing a man upon malice fore-thought, and upon present heat: but if I give a man slanderous words, whereby I damnify him in his name and credit, it is not material whether I use them upon sudden choler and provocation, or of set malice, but in an action upon the case I shall render damages alike.

So if a man be killed by misadventure, as by an arrow at butts, this hath a pardon of course; but if a man be hurt or maimed only, an action of trespass

Stamf. 16. 6 Ed. 4. 7. lieth, though it be done against the party's mind and will, and he shall be punished for the same as deeply as if he had done it of malice.

Stamf. 16. B. So if a surgeon authorized to practise do through negligence in his cure cause the party to die, the surgeon shall not be brought in question for his life; and yet if he do only hurt the wound, whereby the cure is cast back, and death ensues not, he is subject to an action upon the case for his misfaisance.

So if baron and feme be, and they commit felony together, the feme is neither principal nor accessary, in regard of her obedience to the will of her husband: but if baron and feme join in a trespass upon land or otherwise, the action may be brought against them both.

B. 3 H. 7. 1. Stamf. 16. B. So if an infant within years of discretion, or a madman, kill another, he shall not be impeached thereof: but if they put out a man's eye, or do him like corporal hurt, he shall be punished in trespass.

35 H. 6. 11. So in felonies the law admitteth the difference of principal and accessary, and if the principal die, or be pardoned, the proceeding against the accessary faileth; 17 H. 4. 19. Com. 98. but in trespass, if one command his man to beat another, and the servant after the battery die, yet an action of trespass stands good against the master.

REGULA VIII.

Æstimatio præteriti delicti ex post facto nunquam crescit.

The law construeth neither penal laws nor penal facts by intendments, but considereth the offence in degree, as it standeth at the time when it is committed; so as if a matter or circumstance be subsequent, which laid together with the beginning should seem to draw to it a higher nature, yet the law doth not extend or amplify the offence.

11 H. 4. 12. Therefore if a man be wounded, and the percussor is voluntarily let go at large by the gaoler, and after, death ensueth of the hurt, yet this is no felonious escape in the gaoler.

So if the villain striketh mortally the heir apparent of the lord, and the lord dieth before, and the person hurt who succeedeth to be lord to the villain dieth after, yet this is no petty treason.

So if a man compasseth and imagineth the death of one that after cometh to be king of the land, not being any person mentioned within the statute of 21 Ed. III. this imagination precedent is not high treason.

So if a man use slanderous speeches upon a person to whom some dignity after descends that maketh him peer of the realm, yet he shall have but a simple action of the case, and not in the nature of a *scandalum magnatum* upon the statute.

So if John Stile steal sixpence from me in money, and the queen by her proclamation doth raise moneys, that the weight of silver in the piece now of sixpence should go for twelve pence, yet this shall remain petty larceny, and not felony; and yet in all civil reckonings the alteration shall take place: as if I contract with a labourer to do some work for twelve pence, and the enhancing of money comes before I pay him, I shall satisfy my contract with a sixpenny pence being so raised.

So if a man deliver goods to one to keep, and after retain the same person into his service, who afterwards goeth away with his goods, this is no felony by the statute of 21 H. VIII. because he was not servant at that time. 28 H. 8. pl. 2

In like manner if I deliver goods to the servant of I. S. to keep, and after die, and make I. S. my executor; and before any new commandment or notice of I. S. to his servant for the custody of the same goods, his servant goeth away with them, this is also out of the same statute.

But note that it is said *præteriti delicti*; for an accessary before the fact is subject to all the contingences pregnant of the fact, if they be pursuances of the same fact; as if 18 Eliz. com. 173. a man command or counsel one to rob a man, or beat him grievously, and murder ensue, in either case he is accessary to the murder, "quia in criminalibus præstantur accidentia."

REGULA IX.

Quod remedio destituitur ipsa re valet si culpa absit.

The benignity of the law is such, as when to preserve the principles and grounds of law it deprivetb a man of his remedy without his own fault, it will rather put him in a better degree and condition than in a worse; for if it disable him to pursue his action, or to make his claim, sometimes it will give him the thing itself by operation of law without any act of his own, sometimes it will give him a more beneficial remedy.

And therefore if the heir of the disseisor which is in by descent make a Lit. pl. 601. lease for life, the remainder for life unto the disseisee, and the lessee for life die, now the frank tenement is cast upon the disseisee by act in law, and thereby he is disabled to bring his *præcipe* to recover his right; whereupon the law judgeth him in of his ancient right as strongly as if it had been recovered and executed by action, which operation of law is by an ancient term and word of law called a *remitter*; but if there may be assigned any default or laches in him, either in accepting freehold, or accepting the interest that draws the freehold, then the law denieth him any such benefit.

And therefore if the heir of the disseisor make a lease for years, the remainder in fee to the disseisee, the disseisee is not remitted, and yet the remainder is in him without his own knowledge or assent: but because the freehold is not cast upon him by act in law, it is no remitter. *Quod nota.* Lit. pl. 602.

So if the heir of the disseisor infeoff the disseisee and a stranger, and make Lit. pl. 603. livery to the stranger, although the stranger die before any agreement or taking of profits by the dis-

seisee, yet he is not remitted; because though a moiety be cast upon him by survivor, yet that is but *jus accrescendi*, and it is no casting of the freehold upon him by act in law, but he is still an immediate purchaser, and therefore no remitter.

So if the husband be seised in the right of his wife, and discontinue and dieth, and the feme takes another husband, who takes a feoffment from the discontinuee to him and his wife, the feme is not remitted; and the reason is, because she was once sole, and so a laches in her for not pursuing her right: but if the feoffment taken back had been to the first husband and herself, she had been remitted.

Lit. pl. 665.

Yet if the husband discontinue the lands of the wife, and the discontinuee make a feoffment to the use of the husband and wife, she is not remitted; but that is upon a special reason, upon the letter of the statute of 27 H. VIII. of uses, that willeth that the *cestuy que use* shall have the possession in quality, form, and degree, as he had the use; but that holdeth place upon the first vestre of the use: for when the use is absolutely once executed and vested, then it doth ensue merely the nature of possessions; and if the discontinuee had made a feoffment in fee to the use of I. S. for life, the remainder to the use of the baron and feme, and lessee for life die, now the feme is remitted, *causa qua supra*.

34 H. 8

Also if the heir of the disseisor make a lease for life, the remainder to the disseisee, who chargeth the remainder, and lessee for life dies, the disseisee is not remitted; and the reason is, his intermeddling with this wrongful remainder, whereby he hath affirmed the same to be in him, and so accepted it: but if the heir of the disseisor had granted a rent charge to the disseisee, and afterwards made a lease for life, the remainder to the disseisee, and the lessee for life had died, the disseisee had been remitted; because there appeareth no assent or acceptance of any estate in the freehold, but only of a collateral charge.

So if the feme be disseised, and intermarry with the disseisor, who makes a lease for life, rendering rent, and dieth, leaving a son by the same feme, and the son accepts the rent of lessee for life, and then the feme dies, and the lessee for life dies, the son is not remitted: and yet the frank tenement was cast upon him by act in law, but because he had agreed to be in the tortious reversion by acceptance of the rent, therefore no remitter.

6 Ed. 3. 17. Cond. 3. 67.

28 H. 8. pl. 207.

So if tenant in tail discontinue, and the discontinuee make a lease for life, the remainder to the issue in tail being within age, and at full age the lessee for life surrendereth to the issue in tail, and tenant in tail die, and lessee for life die, yet the issue is not remitted; and yet if the issue had accepted a feoffment within age, and had continued the taking of the profits when he came of full age, and then the tenant in tail had died, notwithstanding his taking of the profits he had been remitted; for that which guides the remitter, is, if he be once in of the freehold without any laches: as if the heir of the disseisor enfeoffs the heir of the disseisee, who dies, and it descends to a second heir, upon whom the frank tenement is cast by descent, who enters and takes the profits, and then the disseisee dies, this is no remitter, *causa qua supra*.

And if tenant in tail discontinue for life, and take a surrender of the lessee, now is he remitted and seised again by force of the tail, and yet he cometh in by his own act: but this case differeth from all the other cases: because the discontinuance was but particular at first, and the new gained reversion is but by intendment and necessity of law; and therefore is knit as it were *ab initio*, with a limitation to determine whensoever the particular discontinuance endeth, and the estate cometh back to the ancient right.

Lit. pl. 636.

But now we do proceed from cases of remitter, which is a great branch of this rule, to other cases: if executors do redeem goods pledged by their testator with their own money, the law doth convert so much goods as amount to the value of that they laid forth, to themselves in property, and upon a plea of fully administered it shall be allowed: and the reason is, because it may be matter of necessity for the well administering the goods of the testator, and executing of their trust, that they disburse money of their own: for else perhaps the goods would have been forfeited, and he that had them in pledge would not accept other goods but money, and so it is a liberty which the law gives them, and then they cannot have any suit against themselves; and therefore the law gives them leave to retain so much goods by way of allowance; and if there be two executors, and one of them pay the money, he may also retain against his companion, if he have notice thereof.

6 H. 8. pl. 3. Dy.

But if there be an overplus of goods, above the value of that he hath disbursed, then ought he by his claim to determine what goods he doth elect to have in value; or else before such election, if his companion do sell all the goods, he hath no remedy but in the spiritual court: for to say he should be tenant in common with himself and his companion *pro rata* of that he doth lay out, the law doth reject that course for intricateness.

3 Eliz. 187. pl. 6.

So if I. S. have a lease for years worth 20*l.* by the year, and grant unto I. D. a rent charge of 10*l.* a year, and after make him my executor; now I. D. shall be charged with assets 10*l.* only, and the other 10*l.* shall be allowed and considered to him; and the reason is, because the not refusing shall be accounted no laches to him, because an executorship is *pium officium*, and matter of conscience and trust, and not like a purchase to a man's own use.

29 H. 8. pl. 7. in fine. 22 Ass. 52. F. Rec. in value 23.

Like law is, where the debtor makes the debtee his executor, the debt shall be considered in the assets, notwithstanding it be a thing in action.

12 H. 4. 22. Cond. 185. 2 H. 7. 5. 37 H. 6. 32.

So if I have a rent charge, and grant that upon condition, now though the condition be broken, the grantee's estate is not defeated till I have made my claim;

6 E. 6. cond. 133. 6.

Lit. pl. 352. but if after any such grant my father purchase the land, and it descend to me, now if the condition be broken, the rent ceaseth without claim: but if I had purchased the land myself, then I had extincted mine own condition, because I had disabled myself to make my claim: and yet a condition collateral is not suspended by taking back an estate; as if I make a feoffment in fee, upon condition that I. S. shall marry my daughter, and take a lease for life from my feoffee, if the feoffee break the condition I may claim to hold in by my fee-simple: but the case of the charge is otherwise, for if I have a rent charge issuing out of twenty acres, and grant the rent over upon condition, and purchase but one acre, the whole condition is extinct, and the possibility of the rent, by reason of the condition, is as fully destroyed as if the rent had been in me in *esse*.

20 H. 7. per Pol. 35 H. 6. Fitz. Barr. 102.

30 H. 6. Fitz. Grants 91. So if the queen grant to me the wardship of I. S. the heir of I. S. when it falleth; because an action of covenant lieth not against the queen, I shall have the thing myself in interest.

But if I let land to I. S. rendering rent with condition of re-entry, and I. S. be attainted, whereby the lease cometh to the king, now my demand upon the land is gone, which should give me benefit of re-entry, and yet I shall not have it reduced without demand; and the reason of the difference is, because my condition in this case is not taken away in right, but suspended only by the privilege of the possession; for if the king grant the lease over, the condition is revived as it was.

7 H. 6. 40.

Also if my tenant for life grant his estate to the queen, now if I will grant my reversion, the queen is not compellable to atturn; therefore it shall pass by grant by deed without atturnement.

9 Ed. 2. Fitz. Atturnments 18. So if my tenant for life be, and I grant my reversion *pur autre vie*, and the grantee die, living *cestuy que vie*, now the privity between tenant for life and me is not restored, and I have no tenant in *esse* to atturn; therefore I may pass my reversion without atturnment.

So if I have a nomination to a church, and another hath the presentation, and the presentation comes to the king, now because the king cannot be attendant, my nomination is turned to an absolute patronage.

6 Ed. 6. Dy. 92. So if a man be seised of an advowson, and take a wife, and after title of dower given he join in impropriating the church and dieth; now because the feme cannot have the third turn because of the perpetual incumbency, she shall have all the turns during her life; for it shall not be disimpropriated to the benefit of the heir contrary to the grant of tenant in fee-simple.

But if a man grant the third presentment to I. S. and his heirs, and impropriate the advowson, now the grantee is without remedy, for he took his grant subject to that mischief at the first; and therefore it was his laches, and therefore not like the case of the dower: and this grant of the third avoidance is not like *tertia pars advocationis*, or *medietas advocationis* upon a tenancy in common of the advowson: for if two tenants in common be, and an usurpation be had against them, and the usurper do impropriate, and one of the tenants in common do release, and the other bring his writ of right *de medietate advocationis* and recover: now I take the law to be, that because tenants in common ought to join in presentments, which cannot now be, he shall have the whole patronage: for neither can there be an apportionment that he should present all the turns, and his incumbent to have but a moiety of the profits, nor yet the act of impropriation shall not be defeated. But as if two tenants in common be of a ward, and they join in a writ of right of ward, and one release, the other shall recover the entire ward, because it cannot be disevered: so shall it be in the other case, though it be of inheritance, and though he bring his action alone.

45 Ed. 3. 10

Also if a disseisor be disseised, and the mesne disseisee release to the second disseisor upon condition, and a descent be cast, and the condition broken; now the mean disseisor, whose right is revived, shall enter notwithstanding this descent, because his right was taken away by the act of a stranger.

But if I devise land by the statute of 32 H. VIII. and the heir of the divisor enters and makes a feoffment in fee, and feoffee dieth seised, this descent binds, and there shall not be a perpetual liberty of entry, upon the reason that he never had seisin whereupon he might ground his action, but he is at mischief by his own laches: and the like law of the queen's patentee: for I see no reasonable difference between them and him in the remainder, which is Littleton's case.

41 Ed. 3. 10.

But note, that the law by operation and matter in fact will never countervail and supply a title grounded upon a matter of record; and therefore if I be entitled unto a writ of error, and the land descend unto me, I shall never be remitted, no more shall I be unto an attaint, except I may also have a writ of right.

So if upon my avowry for services, my tenant disclaim where I may have a writ of right as upon disclaimer, if the land after descend to me, I shall never be remitted.

25 H. 8. Dy. 1. 7.

REGULA X.

Verba generalia restringuntur ad habilitatem rei vel personam.

It is a rule that the king's grant shall not be taken or construed to a special intent; it is not so with the grants of a common person, for they shall be extended as well to a foreign intent as to a common intent; but yet with this exception, that they shall never be taken to an impertinent or repugnant intent: for all words, whether they be in deeds or statutes, or otherwise, if they be general and not express and precise, shall be restrained unto the fitness of the matter and the person.

Perk. pl. 108. As if I grant common "in omnibus terris meis" in D. if I have in D. both open grounds and several, it shall not be stretched to common in my several, much less in my garden or orchard.

14 H. 8. 2. So if I grant to a man "omnes arbores meas crescentes supra terras meas" in D. he shall not have apple-trees, nor other fruit-trees growing in my gardens or orchards, if there be any other trees upon my grounds.

11 Ed. 3. 6. et 19. So if I grant to I. S. an annuity of 10*l.* a year "pro consilio impenso et impendendo," if I. S. be a physician, it shall be understood of his counsel in physic; and if he be a lawyer, of his counsel in law.

So if I do let a tenement to I. S. near my dwelling-house in a borough, provided that he shall not erect nor use any shop in the same without my license, and afterwards I license him to erect a shop, and I. S. is then a milliner, he shall not by virtue of these general words erect a joiner's shop.

So the statute of chantries, that willeth all lands to be forfeited, that were given or employed to a superstitious use, shall not be construed of the glebe lands of parsonages: nay farther, if lands be given to the parson and his successors of D. to say a mass in his church of D. this is out of the statute, because it shall be intended but as augmentation of his glebe; but otherwise it had been, if it had been to say a mass in another church than his own.

16 Eliz 337. Dyer.

So the statute of wrecks, that willeth that the goods wrecked where any live domestical creature remains in a vessel, shall be preserved and kept to the use of the owner that shall make his claim by the space of one year, doth not extend to fresh victuals or the like, which is impossible to keep without perishing or destroying it; for in these and the like cases general words may be taken, as was said, to a rare or foreign intent, but never to an unreasonable intent.

REGULA XI.

Jura sanguinis nullo jure civili dirimi possunt.

They be the very words of the civil law, which cannot be amended, to explain this rule, "Filius est nomen naturæ, hæres est nomen juris:" therefore corruption of blood taketh away the privity of the one, that is, of the heir, but not of the other, that is, of the son; therefore if a man be attainted and be murdered by a stranger, the eldest son shall not have appeal, because the appeal is given to the heir, for the youngest sons who are equal in blood shall not have it; but if an attainted person be killed by his son, this is petty treason, because the privity of a son remaineth; for I admit the law to be, that if the son kill father or mother it is petty treason, and that there remaineth in our laws so much of the ancient footsteps of *potestas patria* and natural obedience, which by the law of God is the very instance itself; and all other government and obedience is taken but by equity, which I add, because some have sought to weaken the law in that point.

35 H. 6. 57, 58. 21 Ed. 3. 17.

Lamb Jus. p. 83. Fitz crown. 447.

So if land descend to the eldest son of a person attainted from an ancestor of the mother held in knight's service, the guardian shall enter, and oust the father, because the law giveth the father that prerogative in respect he is his son and heir; for of a daughter or of a special heir in tail he shall not have it; but if the son be attainted, and the father covenant in consideration of natural love to stand seised of the land to his use, this is good enough to raise an use, because the privity of natural affection remaineth.

F. N. Br. fo. 143. De Droit.

So if a man be attainted and have charter of pardon, and be returned of a jury between his son and I. S. the challenge remaineth; so may he maintain any suit of his son, notwithstanding the blood be corrupt.

So by the statute of 21 H. VIII. the ordinary ought to commit administration of his goods that was attainted and purchased his charter of pardon, to his children, though born before the pardon, for it is no question of inheritance; for if one brother of the half blood die, the administration ought to be committed to his other brother of the half blood, if there be no nearer by the father.

5 Ed. 6. Adm. 47.

So if the uncle by the mother be attainted, pardoned, and land descend from the father to the son within age held in socage, the uncle shall be guardian in socage; for that savoureth so little of the privity of heir, as the possibility to inherit shutteth out.

33 H. 6. 55.

But if a feme tenant in tail assent to the ravisher, and have no issue, and her cousin is attainted, and pardoned, and purchaseth the reversion, he shall not enter for a forfeiture. For although the law giveth it not in point of inheritance, but only as a perquisite to any of the blood, so he be next in estate; yet the recompence is understood for the stain of his blood, which cannot be considered when it is once wholly corrupted before.

5 Ed. 4. 50.

So if a villain be attainted, yet the lord shall have the issues of his villain born before or after his attainder; for the lord hath them *jure naturæ* but as the increase of a flock.

Query, Whether if the eldest son be attainted and pardoned, the lord shall have aid of his tenants to make him knight, and it seemeth he shall; for the words of the writ are "filium primogenitum," and not "filium et hæredem," and the like writ he hath "pur file marrier" who is no heir.

F. N. Br. 82. G. Register, fol. 87.

REGULA XII.

Receditur a placitis juris potius quam injuriæ et delicta maneant impunita.

The law hath many grounds and positive learnings, which are not of the maxims and conclusions of reason; but yet are learnings received which the law hath set down and will not have called in question; these may be rather called "placita juris" than "regulæ juris;" with such maxims the law will dispense, rather than crimes and wrongs should

be unpunished, "quia salus populi suprema lex;" and "salus populi" is contained in the repressing offences by punishment.

Fitz. N. B. 30. Therefore if an advowson be granted to two, and the heirs of one of them, and an usurpation be had, they both shall join in a writ of right of advowson; and yet it is a ground in law, that a writ of right lieth of no less estate than of a fee-simple; but because the tenant for life hath no other several action in the law given him, and also that the jointure is not broken, and so the tenant in fee-simple cannot bring his writ of right alone; therefore rather than he should be deprived wholly of remedy, and this wrong unpunished, he shall join his companion with him, notwithstanding the feebleness of his estate.

46 Ed. 3. 21. But if lands be given to two, and the heirs of one of them, and they lease in a *præcipe* by default, now they shall not join in a writ of right, because the tenant for life hath a several action, namely, a "Quod ei deforciat," in which respect the jointure is broken.

27 H. 8. 13. So if tenant for life and his lessor join in a lease for years, and the lessee commit waste, they shall join in punishing the waste, and *locus vastatus* shall go to the tenant for life, and the damages to him in the reversion; and yet an action of waste lieth not for the tenant for life; but because he in the reversion cannot have it alone, because of the mean estate for life, therefore rather than the waste shall be unpunished, they shall join.

43 Ed. 3. 3. 22 H. 6. 24. So if two coparceners be, and they lease the land, and one of them die, and hath issue, and the lessee commit waste, the aunt and the issue shall join in punishing this waste, and the issue shall recover the moiety of the place wasted, and the aunt the other moiety and the entire damages; and yet "actio injuriarum moritur cum persona," but "in favorabilibus magis attenditur quod prodest, quam quod nocet."

20 Ed. 2 Fitz. F. descent. 16. So if a man recovers by erroneous judgment, and hath issue two daughters, and one of them is attainted, the writ of error shall be brought against both parceners, notwithstanding the privity fail in the one.

33 Eliz. Also it is a positive ground, that the accessary in felony cannot be proceeded with, until the principal be tried; yet if a man upon subtlety or malice set a madman by some device upon another to kill him, and he doth so; now forasmuch as the madman is excused because he can have no will nor malice, the law accounteth the inciter as principal, though he be absent, rather than the crime shall go unpunished.

Fitz. Corone 459. Ed. 4. M. 28. 6. Stamf. lib. 2. fol. 60. So it is a ground in the law, that the appeal of murder goeth not to the heir where the party murdered hath a wife, nor to the younger brother where there is an elder; yet if the wife murder her husband, because she is the party offender, the appeal leaps over to the heir; and so if the son and heir murder his father, it goeth to the second brother.

But if the rule be one of the higher sort of maxims that are *regulæ rationales*, and not *positivæ*, then the law will rather endure a particular offence to escape without punishment, than violate such a rule.

As it is a rule that penal statutes shall not be taken by equity, and the statute of 1 Ed. VI. enacts that those that are attainted for stealing of horses shall not have their clergy, the judges conceived, that this did not extend to him that stole but one horse, and therefore procured a new act for it 2 Ed. VI. cap. 33. And they had reason for it, as I take the law; for it is not like the case upon the statute of Glocest. that gives an action of waste against him that holds "pro termino vitæ vel annorum." It is true, if a man hold but for a year he is within the statute; for it is to be noted, that penal statutes are taken strictly and literally only in the point of defining and setting down the fact and the punishment, and in those clauses that concern them; and not generally in words that are but circumstances and conveyances in putting of the case: and so the diversity; for if the law be, that for such an offence a man shall lose his right hand, and the offender had his right hand cut off in the wars before, he shall not lose his left hand, but the crime shall rather pass unpunished which the law assigned, than the law shall be extended; but if the statute of 1 Ed. VI. had been, that he that should steal a horse should be ousted of his clergy, then there had been no question at all, but if a man had stolen more horses than one, he had been within the statute, "quia omne majus continet in se minus."

Cap. 12. Stamf. 2. fol. 131.

Plow. 367. Lin. cap. 46 Ed. 3. 31.

REGULA XIII.

Non accipi debent verba in demonstrationem falsam, quæ competunt in limitationem veram.

Though falsity of addition or demonstration doth no hurt where you give a thing a proper name, yet nevertheless if it stand doubtful upon the words, whether they import a false reference and demonstration, or whether they be words of restraint that limit the generality of the former name, the law will never intend error or falsehood.

And therefore if the parish of Hurst do extend into the counties of Wiltshire and Berkshire, and I grant my close called Callis, situate and lying in the parish of Hurst in the county of Wiltshire, and the truth is, that the whole close lieth in the county of Berkshire; yet the law is, that it passeth well enough, because there is a certainty sufficient in that I have given it a proper name which the false reference doth not destroy, and not upon the reason that these words, "in the county of Wiltshire," shall be taken to go to the parish only, and so to be true in some sort, and not to the close, and so to be false. For if I had granted "omnes terras meas in parochia de Hurst in com. Wiltshire," and I had no lands in Wiltshire but in Berkshire, nothing had past.

12 Eliz. 2 Dyer. 291 21 Eliz. Dy. 375. 7 Ed. 6. Dy. 36.

But in the principal case, if the close called Callis had extended part into Wiltshire and part into Berkshire,

9 Ed. 4. 7. 21 Ed. 3. 18. 19 Eliz. 29 Rep.

then only that part had passed which lay in Wiltshire.

So if I grant "omnes et singulas terras meas in tenura I. D. quas perquisivi de I. N. in indentura dimissionis fact' I. B. specificat." If I have land wherein some of these references are true, and the rest false, and no land wherein they are all true, nothing passeth: as if I have land in the tenure of I. D. and purchased of I. N. but not specified in the indenture to I. B. or if I have land which I purchased of I. N. and specified in the indenture of demise to I. B. and not in the tenure of I. D.

But if I have some land wherein all these demonstrations are true, and some wherein part of them are true and part false, then shall they be intended words of true limitation to pass only those lands wherein all these circumstances are true.

REGULA XIV.

Licet dispositio de interesse futuro sit inutilis, tamen fieri potest declaratio præcedens quæ sortiatur effectum interveniente novo actu.

The law doth not allow of grants except there be a foundation of an interest in the grantor; for the law that will not accept of grants of titles, or of things in action which are imperfect interests, much less will it allow a man to grant or encumber that which is no interest at all, but merely future.

But of declarations precedent before any interest vested the law doth allow, but with this difference, so that there be some new act or conveyance to give life and vigour to the declaration precedent.

Now the best rule of distinction between grants and declarations is, that grants are never countermandable, not in respect of the nature of the conveyance on the instrument, though sometimes in respect of the interest granted they are, whereas declarations are evermore countermandable in their natures.

And therefore if I grant unto you, that if you enter into obligation to me of 100*l.* and after do procure me such a lease, that then the same obligation to be void, and you enter into such obligation unto me, and afterwards do procure such a lease, yet the obligation is simple, because the defeisance was made out of that which was not. 20 Eliz. 19 H. 6. 62.

So if I grant unto you a rent charge out of white acre, and that it shall be lawful for you to distrain in all my other lands whereof I am now seised, and which I shall hereafter purchase; although this be but a liberty of distress, and no rent save only out of white acre, yet as to the lands afterwards to be purchased the clause is void. 27 Ed. 3.

So if a reversion be granted to I. S. and I. D. a stranger by deed do grant to I. S. that if he purchase the particular estate, he doth atturne to his grantee, this is a void atturnement, notwithstanding he doth afterwards purchase the particular estate. 29 Ed. 3. 6. 24 Eliz.

But of declarations the law is contrary; as if the disseisee make a charter of feoffment to I. S. and a letter of attorney to enter and make livery and seisin, and deliver the deed of feoffment, and afterwards livery and seisin is made accordingly, this is a good feoffment; and yet he had nothing other than in right at the time of the delivery of the charter; but because a deed of feoffment is but matter of declaration and evidence, and there is a new act which is the livery subsequent, therefore it is good in law. 13, 14 Eliz. 20, 21 Eliz. 25 Eliz. M. 38 et 39 Eliz.

So if a man make a feoffment in fee to I. S. upon condition to enfeoff I. N. within certain days, and there are deeds made both of the first feoffment and the second, and letters of attorney accordingly, and both these deeds of feoffment and letters of attorney are delivered at a time, so that the second deed of feoffment and letter of attorney are delivered when the first feoffee hath nothing in the land; and yet if both liveries be made accordingly, all is good. 36 Eliz.

So if I covenant with I. S. by indenture, that before such a day I will purchase the manor of D. and before the same day I will levy a fine of the same land, and that the same fine shall be to certain uses which I express in the same indenture; this indenture to lead uses being but matter of declaration, and countermandable at my pleasure, will suffice, though the land be purchased after; because there is a new act to be done, namely, the fine.

But if there were no new act, then otherwise it is; as if I covenant with my son in consideration of natural affection, to stand seised to his use of the lands which I shall afterwards purchase, and I do afterwards purchase, yet the use is void: and the reason is, because there is no act, nor transmutation of possession following to perfect this inception; for the use must be limited by the feoffor, and not by the feoffee, and he had nothing at the time of the covenant. 25 Eliz. 37 Eliz.

So if I devise the manor of D. by special name, of which at that time I am not seised, and after I purchase it, except I make some new publication of my will, this devise is void; and the reason is, because that my death, which is the consummation of my will, is the act of God, and not my act, and therefore no such new act as the law requireth.

But if I grant unto I. S. authority by my deed to demise for years the land whereof I am now seised, or hereafter shall be seised; and after I purchase lands, and I. S. my attorney doth demise them: this is a good demise, because the demise of my attorney is a new act, and all one with a demise by myself.

But if I mortgage land, and after covenant with I. S. in consideration of money which I receive of him, that after I have entered for the condition broken, I will stand seised to the use of the same I. S. and I enter, and this deed is enrolled, and all within the six months, yet nothing passeth, because the enrolment is no new act, but a perfective ceremony of the first deed of bargain and sale; and the law is more strong in that case, because of the vehement relation which the enrolment hath to the time of the bargain and sale, at what time he had nothing but a naked condition. 521 Eliz.

6 Ed. 6. Br. So if two joint-tenants be, and one of them bargain and sell the whole land, and before the enrolment his companion dieth, nothing passeth of the moiety accrued unto him by survivor.

REGULA XV.

In criminalibus sufficit generalis malitia intentionis cum facto paris gradus.

All crimes have their conception in a corrupt intent, and have their consummation and issuing in some particular fact; which though it be not the fact at the which the intention of the malefactor levelled, yet the law giveth him no advantage of the error, if another particular ensue of as high a nature.

18 Eliz. Sanders case, Pl. com. 474. Therefore if an impoisoned apple be laid in a place to impoison I. S. and I. D. cometh by chance and eateth it, this is murder in the principal that is actor, and yet the malice *in individuo* was not against I. D.

Cr. J. peace, fo. 30. So if a thief find a door open, and come in by night and rob an house, and be taken with the mainour, and breaketh a door to escape, this is burglary; yet the breaking of the door was without any felonious intent, but it is one entire act.

So if a caliver be discharged with a murderous intent at I. S. and the piece break and striketh into the eye of him that dischargeth it, and killeth him, he is *felo de se*, and yet his intention was not to hurt himself: for *felonia de se* and murder are *crimina paris gradus*. For if a man persuade another to kill himself, and be present when he doth so, he is a murderer.

Cr. J. peace, 18, 19. But query, if I. S. lay impoisoned fruit for some other stranger his enemy, and his father or master come and eat it, whether this be petty treason, because it is not altogether *crimen paris gradus?*

REGULA XVI.

Mandata licita accipiunt strictam interpretationem, sed illicita latam et extensivem.

In the committing of lawful authority to another, a man may limit it as strictly as it pleaseth him, and if the party authorized do transgress his authority, though it be but in circumstance expressed, it shall be void in the whole act.

But when a man is author and mover to another to commit an unlawful act, then he shall not excuse himself by circumstances not pursued.

10 H. 7. 19. 15, 16. 16 El. Dy. 337. Therefore if I make a letter of attorney to I. S. to deliver livery and seisin in the capital messuage, and he doth it in another place of the land; or between the hours of two or three, and he doth it after or before; or if I make the charter of feoffment to I. D. and I. B. and express the seisin to be delivered to I. D. and my attorney deliver it to I. B. in all these cases the act of the attorney, as to execute the estate, is void; but if I say generally to I. D. whom I mean only to enfeoff, and my attorney make it to his attorney, it shall be intended, for it is a livery to him in law.

16 El. Dy. 337. 11 El. Dy. 283. 38 H. 8. D. 62.

But on the other side, if a man command I. S. to rob I. D. on Shooters-hill, and he doth it on Gads-hill; or to rob him such a day, and he doth it the next day; or to kill I. D. and he doth it not himself but procureth I. B. to do it; or to kill him by poison, and he killeth him by violence; in all these cases, although the fact be not performed in circumstance, yet he is accessary nevertheless.

But if it be to kill I. S. and he kill I. D. mistaking him for I. S. then the acts are distant in substance, and he is not accessary.

And be it that the acts be of a differing degree and yet of a kind:

As if one bids I. S. to pilfer away such a thing out of a house, and precisely restrain him to do it some time when he is gotten in without breaking of the house, and yet he breaketh the house; yet he is accessary to the burglary; for a man cannot condition with an unlawful act, but he must at his peril take heed how he put himself into another man's hands.

But if a man bid one to rob I. S. as he goeth to Sturbridge-fair, and he rob him in his house, the variance seemeth to be of substance, and he is not accessary. 10 Eliz. in Sanders case, 474.

REGULA XVII.

De fide et officio judiciis non recipitur quæstio; sed de scientia, sive sit error juris sive facti.

The law doth so much respect the certainty of judgments, and the credit and authority of judges, as it will not permit any error to be assigned that impeacheth them in their trust and office, and is wilful abuse of the same; but only in ignorance and mistaking either of the law or of the case and matter in fact.

And therefore if I will assign for error, that whereas the verdict passed for me, the court received it contrary, and so gave judgment against me, this shall not be accepted. F. N. Br. fo. 21 7 H. 7. 4.

So if I will allege for error, that whereas I. S. offered to plead a sufficient bar, the court refused it, and drove me from it, this error shall not be allowed. 3 H. 6 Fitz Ass. 2

But the greatest doubt is where the court doth determine of the verity of the matter in fact; so that it is rather in point of trial than in point of judgment, whether it shall be examined in error. 2 M. Dy 114

As if an appeal of maim be brought, and the court, by the assistance of the chirurgeons, do judge it to be a maim, whether the party grieved may bring a writ of error: and I hold the law to be he cannot. 1 Mar. B. 28 Ass. M. 14 21 H. 7. 40 2

So if one of the prothonotaries of the common pleas bring an assize of his office, and allege fees belonging to the same office in certainty, and issue to be taken upon these fees, this issue shall be tried by the judges by way of examination, and if they determine it for 9 H. 4. 4.

Mar. Dy. 89. Mar. Dy. 163. the plaintiff, and he have judgment to recover arrearages accordingly, the defendant can bring no writ of error of is judgment, though the fees in truth be other.

H. 6. 23. El. 255. Dy. Ass. 26. Ass. 5. So if a woman bring a writ of dower, and the tenant plead her husband was alive, this shall be tried by proofs and not by jury, and upon judgment given either side no error lies.

Ass. 9. 5 Ed. 4. 3. So if *nul tiel record* be pleaded, which is to be tried by the inspection the record, and judgment be thereupon given, no ror lies.

H. 7. 2. H. 6. 52. So if in an assize the tenant saith, he is "counte de Dale, et nient nosme unte," in the writ, this shall be tried by the cords of the chancery, and upon judgment given error lieth.

Ass. pl. 24. 8 Ed. 4. 6. So if a felon demand his clergy, and read well and distinctly, and the court ho is judge thereof do put him from his clergy rongfully, error shall never be brought upon the tainder.

Ass. 8. F. N. Br. 21. So if upon judgment given upon confession or default, and the court do ness damages, the defendant shall never bring a rit of error, though the damages be outrageous.

H. 7. 32. 40. 12 Ass. 99. And it seems in the case of maim, and some of the other cases, that the court may dismiss themselves of dismising the matter by examination, and put it to a ry, and then the party grieved shall have his taint; and therefore that the court that doth prive a man of his action, should be subject to an tion; but that notwithstanding the law will not ive, as it was said in the beginning, the judges lled in question in the point of their office when ey undertake to discuss the issue, and that is the e reason: for to say that the reason of these cases should be, because trial by the court should be peremptory as trial by certificate, as by the bishop in case of bastardy, or by the marshal of the king, &c. the cases e nothing like; for the reason of those cases of rtificate is, because if the court should not give edit to the certificate, but should re-examine it, ey have no other mean but to write again to the me lord bishop, or the same lord marshal, which ere frivolous, because it is not to be presumed ey would differ from their own former certificate; hereas in these other cases of error the matter is awn before a superior court, to re-examine the rors of an inferior court: and therefore the true ason is, as was said, that to examine again that hich the court had tried were in substance to taint the court.

Ass. 29. H. 4. 41. H. 6. 37.

And therefore this is a certain rule in errors, that ror in law is ever of such matters as do apppear pon record; and error in fact is ever of such matters s are not crossed by the record; as to allege the eath of the tenant at the time of the judgment given, othing appeareth upon the record to the contrary.

F. N. Br. 21 So when any infant levies a fine, it appeareth not upon the record of the fine that he is an infant, therefore it is an error in fact, and shall be tried by inspection during nonage.

But if a writ of error be brought in the King's Bench of a fine levied by an infant, and the court by inspection and examination do affirm the fine, the infant, though it be during his infancy, shall never bring a writ of error in parliament upon this judgment; not but that error lies after error, but because it doth not appear upon the record that he is now of full age, therefore it can be no error in fact. And therefore if a man will assign for error that fact, that whereas the judges gave judgment for him, the clerks entered it in the roll against him, this error shall not be allowed; and yet it doth not touch the judges but the clerks: but the reason is, if it be an error, it is an error in fact; and you shall never allege an error in fact contrary to the record.

2 R. 3. 20. F. N. Br. 21. 9 Ed. 4. 3.

REGULA XVIII.

Persona conjuncta æquiparatur interesse proprio.

The law hath this respect of nature and conjunction of blood, as in divers cases it compareth and matcheth nearness of blood with consideration of profit and interest: yea, and in some cases alloweth of it more strongly.

Therefore if a man covenant, in consideration of blood, to stand seised to the use of his brother, or son, or near kinsman, an use is well raised by his covenant without transmutation of possession; nevertheless it is true, that consideration of blood is naught to ground a personal contract upon; as if I contract with my son, that in consideration of blood I will give unto him such a sum of money, this is *nudum pactum*, and no *assumpsit* lieth upon it; for to subject me to an action, there needeth a consideration of benefit; but the use the law raiseth without suit or action; and besides, the law doth match real considerations with real agreements and covenants.

7 et 8 Elis.

So if a suit be commenced against me, my son, or brother, I may maintain as well as he in remainder for his interest, or his lawyer for his fee; so if my brother have a suit against my nephew or cousin, yet it is at my election to maintain the cause of my nephew or cousin, though the adverse party be nearer unto me in blood.

19 Ed. 4. 5. 14 H. 6. 6. 19 E. 4. 33. 14 H. 7. 2. 22 H. 6. 35. 21 H. 6. 15. 16.

So in challenges of juries, challenge of blood is as good as challenge within distress, and it is not material how far off the kindred be, so the pedigree may be conveyed in certainty, whether it be of the half or whole blood.

22 H. 6. 5. 2 H. 6. 14 et 21. El.

So if a man menace me, that he will imprison or hurt in body my father, or my child, except I make unto him an obligation, I shall avoid this duresse, as well as if the duresse had been to mine own person: and yet if a man menace me, by the taking away or destruction of my goods, this is no good duresse to plead, and the rea-

Com. 428. 21 Ed. 4. 75. 35 H. 6. 17. 18. 18 H. 6. 21. 39 H. 6. 50. 15 Ed. 4. 1. 21 Ed. 4. 13.

son is, because the law can make me no reparation of that loss, and so can it not of the other.

39 H. 6. 51. 7 Ed. 4. 21. 2 Ass. 14. Perk. 4. D. cap. 25.

So if a man under the years of twenty-one, contract for the nursing of his lawful child, this contract is good, and shall not be avoided by infancy no more than if he had contracted for his own aliments or erudition.

REGULA XIX.

Non impedit clausula derogatoria, quo minus ab eadem potestate res dissolvantur, à quibus constituuntur.

Acts which are in their nature revocable cannot by strength of words be fixed and perpetuated; yet men have put in use two means to bind themselves from changing or dissolving that which they have set down, whereof the one is *clausula derogatoria*, the other *interpositio juramenti*, whereof the former is only pertinent to the present purpose.

This *clausula derogatorio* is by the common practical term called *clausula non obstante*, and is of two sorts, *de prætertio, et de futuro*, the one weakening and disannulling any matter past to the contrary, the other any matter to come; and this latter is that only whereof we speak.

This *clausula de non obstante de futuro*, the law judgeth to be idle and of no force, because it doth deprive men of that which of all other things is most incident to human condition, and that is alteration or repentance.

And therefore if I make my will, and in the end thereof do add such like clause [Also my will is, that if I shall revoke this present will, or declare any new will, except the same shall be in writing, subscribed with the hands of two witnesses, that such revocation or new declaration shall be utterly void; and by these presents I do declare the same not to be my will, but this my former will to stand, any such pretended will to the contrary notwithstanding] yet nevertheless this clause or any the like never so exactly penned, and although it do restrain the revocation but in circumstance and not altogether, is of no force or efficacy to fortify the former will against the second; but I may by parole without writing repeal the same will and make a new one.

28 Ed. 3. cap. 7. 42 Ed. 3. cap. 9. 2 H. 7. 6.

So if there be a statute made that no sheriff shall continue in his office above a year, and if any patent be made to the contrary, it shall be void; and if there be any *clausula de non obstante* contained in such patent to dispense with this present act, that such clause also shall be void; yet nevertheless a patent of the sheriff's office made by the king for term of life, with a *non obstante*, will be good in law contrary to such statute, which pretendeth to exclude *non obstantes*: and the reason is, because it is an inseparable prerogative of the crown to dispense with politic statutes, and of that kind; and then the derogatory clause hurteth not.

So if an act of parliament be made, wherein there is a clause contained that it shall not be lawful for the king, by authority of parliament, during the space of seven years, to repeal and determine th same act, this is a void clause, and the same a may be repealed within the seven years; and y if the parliament should enact in the nature of th ancient *lex regia*, that there should be no more pa liaments held, but that the king should have th authority of the parliament; this act were good law, "quia potestas suprema seipsum dissolvere p test, ligare non potest:" for it is in the power of man to kill a man, but it is not in his power to sa him alive, and to restrain him from breathing feeling; so it is in the power of a parliament to e tinguish or transfer their own authority, but n whilst the authority remains entire, to restrain th functions and exercises of the same authority.

So in 28 of K. H. VIII. chap. 17, there was statute made, that all acts that passed in the minori of kings, reckoning the same under the years twenty-four, might be annulled and revoked by the letters patent when they came to the same years; but this act in the first of K. Ed. VI. who was then between the years of n and eleven, cap. 11, was repealed, and a new b surrogate in place thereof, wherein a more reas able liberty is given; and wherein, though oth laws are made revocable according to the provis of the former law with some new form prescrib yet that very law of revocation, together with pardons, is made irrevocable and perpetual, so that there is a direct contrar and repugnancy between these two laws; for if th former stands, which maketh all later laws durin the minority of kings revocable without excepti of any law whatsoever, then that very law of repe is concluded in the generality, and so itself mad revocable: on the other side, that law making n doubt of the absolute repeal of the first law, thoug itself were made during minority, which was th very case of the former law in the new provisio which it maketh, hath a precise exception, that th law of repeal shall not be repealed.

14 El. Dy. 3

Pl Co 3

But the law is, that the first law by the imper nency of it was void "ab initio et ipso facto" wit out repeal, as if a law were made, that no ne statute should be made during seven years, and th same statute be repealed within the seven years, the first statute should be good, then no repeal coul be made thereof within that time; for the law repeal were a new law, and that were disabled b the former law; therefore it is void in itself, and th rule holds, "perpetua lex est, nullam legem huma nam ac positivam perpetuam esse; et clausula qu abrogationem excludit initio non valet."

Neither is the difference of the civil law so r sonable as colourable, for they distinguish and s that a derogatory clause is good to disable a later act, except you revoke the same clause befo you proceed to establish any later disposition declaration; for they say that "clausula derog toria ad alias sequentes voluntates posita in testa mento, viz. si testator dicat quod si contigerit e facere aliud testamentum non vult illud valere operatur quod sequens dispositio ab illa clausul reguletur, et per consequens quod sequens dispos

lucatur sine voluntate, et sic quod non sit attendendum." The sense is, that where a former will is made, and after a later will, the reason why, without an express revocation of the former will, it is by implication revoked, is because of the repugnancy between the disposition of the former and the later.

But where there is such a derogatory clause, there can be gathered no such repugnancy: because it seemeth the testator had a purpose at the making of the first will to make some show of a new will, which nevertheless his intention was should not take place: but this was answered before; for if that clause were allowed to be good until a revocation, then could no revocation at all be made, and therefore it must needs be void by operation of law at first. Thus much of *clausula derogatoria*.

REGULA XX.

Actus inceptus, cujus perfectio pendet ex voluntate partium, revocari potest; si autem pendet ex voluntate tertiæ personæ, vel ex contingenti, revocari non potest.

In acts which are fully executed and consummate, the law makes this difference, that if the first parties have put it in the power of a third person, or of a contingency, to give a perfection to their acts, then they have put it out of their own reach and liberty; and therefore there is no reason they should revoke them: but if the consummation depend upon the same consent, which was the inception, then the law accounteth it in vain to restrain them from revoking of it; for as they may frustrate it by omission and non *feisance*, at a certain time, or in a certain sort or circumstance, so the law permitteth them to dissolve it by an express consent before that time, or without that circumstance.

F. N. Br. 36. 12 H. 7. 13, 14. Therefore if two exchange land by deed, or without deed, and neither enter, this may make a revocation or dissolution of the same exchange by mutual consent, so it be by deed, but not by parole; for as much as the making of an exchange needeth no deed, because it is to be perfected by entry, which is a ceremony notorious in the nature of livery; but it cannot be dissolved but by deed, because it dischargeth that which is but title.

36 Eliz. So if I contract with I. D. that if he lay me into my cellar three tuns of wine before Mich. that I will bring to his garner twenty quarters of wheat before Christmas, before either of these days the parties may by assent dissolve the contract; but after the first day there is a perfection given to the contract by action on the one side, and they may make cross releases by deed or parole, but never dissolve the contract; for there is a difference between dissolving the contract, and release or surrender of the thing contracted for: as if lessee for twenty years make a lease for ten years, and after he take a new lease for five years, he is in only of his lease for five years, and yet this cannot inure by way of surrender: for a petty lease derived out of a greater cannot be surrendered back again, but it inureth only by dissolution of contract; for a lease of land is but a contract executory from time to time of the profits of the land, to arise as a man may sell his corn or his tithe to spring or to be perceived for divers future years.

But to return from our digression: on the other side, if I contract with you for cloth at such a price as I. S. shall name; there if I. S. refuse to name, the contract is void; but the parties cannot discharge it, because they have put it in the power of the third person to perfect.

So if I grant my reversion, though this be an imperfect act before atturnment; yet because the atturnment is the act of a stranger, this is not simply revocable, but by a policy or circumstance in law, as by levying a fine, or making a bargain and sale, or the like. 11 H. 7. 19. 2 R. 2. F. atturnment. 8.

So if I present a clerk to the bishop, now can I not revoke this representation, because I have put it out of myself, that is, in the bishop, by admission, to perfect my act begun. 31 Ed. 1. Fitz. Q. Imp. 185. 14 Ed. 4. 2. 38 Ed. 3. 35.

The same difference appeareth in nominations and elections; as if I enfeoff I. S. upon condition to enfeoff such a one as I. D. shall name within a year, and I. D. name I. B. yet before the feoffment, and within the year, I. D. may countermand his nomination, and name again, because no interest passeth out of him. But if I enfeoff I. S. to the use of such a one as I. D. shall name within a year, then if I. D. name I. B. it is not revocable, because the use passeth presently by operation of law. 14 Ed. 4. 2.

So in judicial acts the rule of the civil law holdeth, "sententia interlocutoria revocari potest, definitiva non potest;" that is, that an order may be revoked, but a judgment cannot; and the reason is, because there is a title of execution or of bar given presently unto the party upon judgment, and so it is out of the judge to revoke, in courts ordered by the common law.

REGULA XXI.

Clausula vel dispositio inutilis per præsumptionem vel causam remotam, ex post facto non fulcitur.

"Clausula vel dispositio inutilis" are said, when the act or the words do work or express no more than law by intendment would have supplied; and therefore the doubling or iterating of that and no more, which the conceit of the law doth in a sort prevent and preoccupate, is reputed nugation, and is not supported and made of substance either by a foreign intendment of some purpose, in regard whereof it might be material, nor upon any cause or matter emerging afterwards, which may induce an operation of those idle words or acts.

And therefore if a man devise land at this day to his son and heir, this is a void devise, because the disposition of law did cast the same upon the heir by descent; and yet if it be knight's service land, and the heir within age, if he take by the devise, he shall have two parts of the profits to his own 32. H. 8. Geord. 193. R. 2. Br. devises 1.

use, and the guardian shall have benefit but of the third; but if a man devise land to his two daughters, having no sons, then the devise is good, because he doth alter the disposition of the law; for by the law they should take in coparcenary, but by the devise they shall take jointly; and this is not any foreign collateral purpose, but in point of taking of estate.

29 H. 8. Dy. 42.

So if a man make a feoffment in fee to the use of his last will and testament, these words of special limitation are void, and the law reserveth the ancient use to the feoffer and his heirs; and yet if the words might stand, then should it be authority by his will to declare and appoint uses, and then though it were knight's service land, he might dispose the whole. As if a man make a feoffment in fee, to the use of the will and testament of a stranger, there the stranger may declare an use of the whole by his will, notwithstanding it be knight's service land; but the reason of the principal case is, because uses before the statute of 27 were to have been disposed by will, and therefore before that statute an use limited in the form aforesaid, was but a frivolous limitation, in regard that the old use which the law reserved was deviseable; and the statute of 27 altereth not the law, as to the creating and limiting of any use, and therefore after that statute, and before the statute of wills, when no lands could have been devised, yet it was a void limitation as before, and so continueth to this day.

19 H. 8. 11.
5 Ed. 4. 8.

But if I make a feoffment in fee to the use of my last will and testament, thereby to declare any estate tail and no greater estate, and after my death, and after such estate declared shall expire, or in default of such declaration then to the use of I. S. and his heirs, this is a good limitation; and I may by my will declare an use of the whole land to a stranger, though it be held in knight's service, and yet I have an estate in fee-simple by virtue of the old use during life.

19 H. 8. 11.
5 Ed. 4. 8.

So if I make a feoffment in fee to the use of my right heirs, this is a void limitation, and the use reserved by the law doth take place: and yet if the limitation should be good the heir should come in by way of purchase, who otherwise cometh in by descent; but this is but a circumstance which the law respecteth not, as was proved before.

32 H. 8. 93. B.
20 H. 8. 8. Dy.
7 El. 237. Dy.

But if I make a feoffment in fee to the use of my right heirs, and the right heirs of I. S. this is a good use, because I have altered the disposition of law; neither is it void for a moiety, but both our right heirs when they come in being shall take by joint purchase; and he to whom the first falleth shall take the whole, subject nevertheless to his companion's title, so it have not descended from the first heir to the heir of the heir: for a man cannot be joint-tenant claiming by purchase, and the other by descent, because they be several titles.

10 El. 274. Dy.

2 Ed. 3. 29.
30 Ed. 3. Fitz. Devise 9.

So if a man having land on the part of his mother make a feoffment in fee to the use of himself and his heirs, this use, though expressed, shall not go to him and the heirs on the part of his father as a new purchase, no more than it should have done if it had been a feoffment in fee nakedly without consideration, for the intendment is remote. But if baron and feme be, and they join in a fine of the feme's lands, and express an use to the husband and wife and their heirs: this limitation shall give a joint estate by entierties to them both, because the intendment of law would have conveyed the use to the feme alone. And thus much touching foreign intendments.

4 M. 134. pl.

14 H. 8. 5. per Browne. 3 Ed. 4. 8. 19 H. 8. 11.

For matter *ex post facto*, if a lease for life be made to two, and the survivor of them, and they after make partition: now these words [and to the survivor of them] should seem to carry purpose as a limitation, that either of them should be stated in his part for both their lives severally; but yet the law at the first construeth the words but words of dilating to describe a joint estate; but if one of them die after partition, there shall be no occupant, but his part shall revert.

30 Ass. 8. Fitz. part 16. 1 H. 8. 4d. Pl. 7. Dy.

So if a man grant a rent-charge out of ten acres, and grant farther that the whole rent shall issue out of every acre, and distress accordingly, and afterwards the grantee purchase an acre: now this clause shall seem to be material to uphold the whole rent; but yet nevertheless the law at first accepteth of these words but as words of explanation, and then notwithstanding the whole rent is extinct.

So if a gift in tail be made upon condition, that if tenant in tail die without issue, it shall be lawful for the donor to enter; and the donee discontinue and die without issue: now this condition should seem material to give him benefit of entry, but because it did at the first limit the estate according to the limitation in law, it worketh nothing upon this matter emergent afterward.

4 Ed. 6. Com. 33. 27 H. 8. 6.

So if a gift in tail be made of lands held in knight's service with an express reservation of the same service, whereby the land is held over, and the gift is with warranty, and the land is evicted, and other land recovered in value against the donor, held in socage, now the tenure which the law makes between the donor and donee shall be in the socage, not in knight's service, because the first reservation was according to the ovelty of service, which was no more than the law would have reserved.

22 Ass. Pl. 32.

But if a gift in tail had been made of lands held in socage with a reservation of knight's service tenure, and with warranty, then, because the intendment of law is altered, the new land shall be held by the same service the lost land was, without any regard at all to the tenure paramount; and thus much of matter *ex post facto*.

This rule faileth where that the law saith as much as the party, but upon foreign matter not pregnant and appearing upon the same act or conveyance, as if lessee for life be, and he lets for twenty years, if he live so long; this limitation [if

be live so long] is no more than the law saith, but it doth not appear upon the same conveyance or act, that this limitation is nugatory, but it is foreign matter in respect of the truth of the state whence the lease is derived: and therefore if lessee for life make a feoffment in fee, yet the state of the lessee for years is not enlarged against the feoffee; otherwise had it been if such limitation had not been, but that it had been left only to the law.

16 H. 7. 4 per Keble. 34 Ed. 3. 28. Fitz. pl. 98.

So if tenant after possibility make a lease for years, and the donor confirms to the lessee to hold without impeachment of waste during the life of tenant in tail, this is no more than the law saith; but the privilege of tenant after possibility is foreign matter, as to the lease and confirmation: and therefore if tenant after possibility do surrender, yet the lessee shall hold dispunishable of waste; otherwise had it been if no such confirmation had been made.

Also heed must be given that it be indeed the same thing which the law intendeth, and which the party expresseth, and not only like or resembling, and such as may stand both together: for if I let land for life rendering rent, and by my deed warrant the same land, this warranty in law and warranty in deed are not the same thing, but may both stand together.

20 Ed. 3. Fitz. 7. 11 H. 4. Vouch. 259.

There remaineth yet a great question upon this rule.

A principal reason whereupon this rule is built should seem to be, because such acts or clauses are thought to be but declaratory, and added upon ignorance of the law, and *ex consuetudine clericorum*, upon observing of a common form, and not upon purpose or meaning, and therefore whether by particular and precise words a man may not control the intendment of the law.

To this I answer, that no precise nor express words will control this intendment of law; but as the general words are void, because they say that which the law saith; and so are thought to be against the law: and therefore if I devise my land being knight's service tenure to my heir, and express my intention to be, that the one part should descend to him as the third part appointed by the statute, and the other he shall take by devise to his own use; yet this is void: for the law saith, he is in by descent of the whole, and I say he shall be in by devise, which is against the law.

But if I make a gift in tail, and say upon condition, that if tenant in tail discontinue and after die without issue, it shall be lawful for me to enter; this is a good clause to make a condition, because it is but in one case and doth not cross the law generally: for if the tenant in tail in that case be disseised, and a descent cast, and die without issue, I that am the donor shall not enter.

But if the clause had been provided, that if tenant in tail discontinue, or suffer a descent, or do any other act whatsoever, that after his death without issue it shall be lawful for me to enter: now this is a void condition, for it importeth a repugnancy to law; as if I would overrule that where the law saith I am put to my action, I nevertheless will reserve to myself an entry.

REGULA XXII.

Non videtur consensum retinuisse si quis ex præscripto minantis aliquid immutavit.

Although choice and election be a badge of consent, yet if the first ground of the act be duresse, the law will not construe that the duresse doth determine, if the party duressed do make any notion or offer.

Therefore if a party menace me, except I make unto him a bond of 40*l.* and I tell him that I will not do it, but I will make unto him a bond of 20*l.* the law shall not expound this bond to be voluntary, but shall rather make construction that my mind and courage is not to enter into the greater bond for any menace, and yet that I enter by compulsion notwithstanding into the lesser.

But if I will draw any consideration to myself, as if I had said, I will enter into your bond of 40*l.* if you will deliver me that piece of plate, now the duresse is discharged; and yet if it had been moved from the duressor, who had said at the first, You shall take this piece of plate, and make me a bond of 40*l.* now the gift of the plate had been good, and yet the bond shall be avoided by duresse.

REGULA XXIII.

Licita bene miscentur, formula nisi juris obstet.

The law giveth that favour to lawful acts, that although they be executed by several authorities, yet the whole act is good.

As when tenant for life is the remainder in fee, and they join in a livery by deed or without, this is one good entire livery drawn from them both, and doth not inure to a surrender of the particular estate, if it be without deed;* or confirmation of those in the remainder, if it be by deed; but they are all parties to the livery.

So if tenant for life the remainder in fee be, and they join in granting a rent, this is one solid rent out of both their estates, and no double rent, or rent by confirmation.

So if tenant in tail be at this day, and he make a lease for three lives, and his own, this is a good lease, and warranted by the statute of 32 H. VIII. and yet it is good in part by the authority which tenant in tail hath by the common law, that is, for his own life, and in part by the authority which he hath by the statute, that is, for the other three lives. Query.

So if a man, seized of lands deviseable by custom and of other land held in knight's service, devise all his lands, this is a good devise of all the land cus-

* Semble clerement le ley d'estre contrary in ambideux cases, car lou est sans fait, est livery solement de cestui in le rem' et surr' de partic' ten', autrement sera forfeiture de son estate, et lou est per fait, le livery passa solement de tenant, car il ad le frank-tenement, vide accordant Sur Co. 1. 1. 79. b. 77. a Com. Plow. 59. a. 140. 2 H. 5. 7. 13 H. 7. 14. 13 Ed. 4. 4. a. 27 H. 8. 13 M. 16 et 17. El Dy. 339.

tomary by the common law, and of two parts of the other land by the statutes.

So in the Star-chamber a sentence may be good, grounded in part upon the authority given the court by the statute of 3 H. VII. and in part upon that ancient authority which the court hath by the common law, and so upon several commissions.

But if there be any form which the law appointeth to be observed, which cannot agree with the diversities of authorities, then this rule faileth.

And if three coparceners be, and one of them alien her purparty, the feoffee and one of the sisters cannot join in a writ "de part' facienda," because it behoveth the feoffee to mention the statute in his writ.

Vide 1 Instit. 166. b.

REGULA XXIV.

Præsentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis.

There be three degrees of certainty.

1. Presence.
2. Name.
3. Demonstration or reference.

Whereof the presence the law holdeth of greatest dignity, the name in the second degree, and the demonstration or reference in the lowest, and always the error or falsity in the less worthy.

And therefore if I give a horse to I. D. being present, and say unto him, I. S. take this; this is a good gift, notwithstanding I call him by a wrong name: but so had it not been if I had delivered him to a stranger to the use of I. S. where I meant I. D.

So if I say unto I. S. Here I give you my ring with the ruby, and deliver it with my hand, and the ring bear a diamond and no ruby, this is a good gift notwithstanding I name it amiss.

So had it been if by word or writing, without the delivery of the thing itself, I had given the ring with the ruby, although I had no such, but only one with a diamond which I meant, yet it would have passed.

So if I by deed grant unto you, by general words, all the lands that the king hath passed unto me by letters patents dated 10 May, unto this present indenture annexed, and the patent annexed have date 10 July, yet if it be proved that that was the true patent annexed, the presence of the patent maketh the error of the date recited not material; yet if no patent had been annexed, and there had been also no other certainty given, but the reference of the patent, the date whereof was mis-recited, although I had no other patent ever of the king, yet nothing would have passed.

Like law is it, but more doubtful, where there is not a presence, but a kind of representation, which is less worthy than a presence, and yet more worthy than a name or reference.

As if I covenant with my ward, that I will tender unto him no other marriage, than the gentlewoman whose picture I delivered him, and that picture hath about it *ætatis suæ anno* 16, and the gentlewoman is seventeen years old; yet nevertheless if it can be proved that the picture was made for that gentlewoman, I may, notwithstanding this mistaking, tender her well enough.

So if I grant you for life a way over my land, according to a plot intended between us, and after I grant unto you and your heirs a way according to the first plot intended, whereof a table is annexed to these presents, and there be some special variance between the table and the original plot, yet this representation shall be certainly sufficient to lead unto the first plot; and you shall have the way in fee nevertheless, according to the first plot, and not according to the table.

So if I grant unto you by general words the land which the king hath granted me by his letters patents, "quarum tenor sequitur in hæc verba," etc. and there be some mistaking in the recital and variance from the original patent, although it be in a point material, yet the representation of this whole patent shall be as the annexing of the true patent, and the grant shall not be void by this variance.

Now for the second part of this rule, touching the name and the reference, for the explaining thereof, it must be noted what things sound in demonstration or addition: as first in lands, the greatest certainty is, where the land hath a name proper, as "the manor of Dale, Grandfield," &c. the next is equal to that, when the land is set forth by bounds and abuttals, as "a close of pasture bounding on the east part upon Emsden-wood, on the south upon," &c. It is also a sufficient name to lay the general boundary, that is, some place of larger precinct, if there be no other land to pass in the same precinct, as "all my lands in Dale, my tenement in St. Dunstan's parish," &c.

A farther sort of denomination is to name lands by the attendancy they have to other lands more notorious, as "parcel of my manor of D. belonging to such a college lying upon Thames bank."

All these things are notes found in denomination of lands, because they be signs local, and therefore of property to signify and name a place: but those notes that sound only in demonstration and addition are such as are but transitory and accidental to the nature of the place.

As "modo in tenura et occupatione" of the proprietary, tenure or possession is but a thing transitory in respect of land; "Generatio venit, generatio migrat, terra autem manet in æternum."

So likewise matter of conveyance, title, or instrument.

As, "quæ perquisivi de I. D. quæ descendebant a I. N. patre meo," or "in prædicta indentura dimissionis," or in prædictis literis patentibus specificat'."

So likewise, "continent' per æstimationem 20 acras," or if *per æstimationem* be left out, all is one, for it is understood, and this matter of measure although it seem local, yet it is indeed but opinion and observation of men.

The distinction being made, the rule is to be examined by it.

Therefore if I grant my close called Dale in the parish of Hurst, in the county of Southampton, and the parish likewise extendeth into the county of Berkshire, and the whole close of Dale lieth in the county of Berkshire; yet because the parcel is especially named, the falsity of the addition hurteth not.

nd yet this addition is found in name, but, as it was aid, it was less worthy than a proper name.

So if I grant "tenementum meum," or "omnia enementa mea," for the universal and indefinite to his purpose are all one, "in parochia Sancti Bu-lphi extra Aldgate," where the verity is *extra Bishopsgate, in tenura Guilielmi*, which is true, yet his grant is void, because that which sounds in enomination is false, which is the more worthy; nd that which sounds in addition is true, which is he less;* and though *in tenura Guilielmi*, which is rue, had been first placed, yet it had been all one.

But if I grant "tenementum meum quod per-uisivi de R. C. in Dale," where the truth was T. C. nd I have no other tenements in D. but one, this rant is good,† because that which soundeth in name, amely, *in Dale*, is true, and that which soundeth in ddition, namely, *quod perquisivi*, etc. is only false.

So if I grant "prata mea in Dale continentia 10 eras," and they contain indeed twenty acres, the hole twenty pass.

So if I grant all my lands, being parcels "mane-ii de D. in prædictis literis patentibus specificat'," here be no letters patents, yet the grant is good nough.

The like reason holds in demonstrations of per-ons, that have been declared in demonstration of nds and places, the proper name of every one is in ertainty worthiest: next are such appellations as re fixed to his person, or at least of continuance, as, on of such a man, wife of such a husband; or addi-on of office, as clerk of such a court, &c. and the hird are actions or accidents, which sound no way appellation or name, but only in circumstance, hich are less worthy, although they may have a pro-er particular reference to the intention of the grant.

And therefore if an obligation be made to *I. S. lio et hæredi G. S.* where indeed he is a bastard, et this obligation is good.

So if I grant land "Episcopo nunc Londinensi, ui me erudivit in pueritia," this is a good grant, lthough he never instructed me.

But *e converso*, if I grant land to "I. S. filio et æredi G. S." and it be true that he is son and heir nto G. S. but his name is Thomas, this is a void grant.

Or if in the former grant it was the bishop of Canterbury who taught me in my childhood, yet hall it be good, as was said, to the bishop of London, and not to the bishop of Canterbury.

The same rule holdeth of denomination of times, hich are such a day of the month, such a day of he week, such a Saint's day or eve, to-day, to-mor-ow; these are names of times.

But the day that I was born, the day that I was arried; these are but circumstances and addition f times.

And therefore if I bind myself to do some per-onal attendance upon you upon Innocents' day, being he day of your birth, and you were not born that lay, yet shall I attend.

* Semblance icy le grant ust este assets bon, come fuit esolu per cur', Co. lib. 3, fol. 10. a. vid. 33 H. 8. Dy. 50. b. 12 El. ib. 292. b. et Co. lib. 2. fo. 33. a.

† Vide ib. quæ contraria est lex, car icy auxi le primer cer-ainty est faux

There rest two questions of difficulty yet upon this rule; first, Of such things whereof men take not so much note as that they shall fail of this distinction of name and addition.

As, "my box of ivory lying in my study sealed up with my seal of arms; my suit of arras with the story of the nativity and passion:" of such things there can be no name, but all is of description, and of circumstance, and of these I hold the law to be, that precise truth of all recited circumstances is not required.

But in such things "ex multitudine signorum colligitur identitas vera," therefore though my box were not sealed, and although the arras had the story of the nativity, and not of the passion, if I had no other box, nor no other suit, the gifts are good; and there is certainty sufficient, for the law doth not expect a precise description of such things as have no certain denomination.

Secondly, Of such things as do admit the distinction of name and addition, but the notes fall out to be of equal dignity all of name or addition.

As, "prata mea juxta communem fossam in D." whereof the one is true, the other false; or "tenementum meum in tenura Guilielmi, quod perquisivi de R. C. in prædict' indent' specificat'," whereof one is true, and two are false; or two are true, and one false.

So "ad curiam quam tenebat die Mercurii tertio die Martii," whereof the one is true, the other false.

In these cases the former rule, "ex multitudine signorum," etc. holdeth not; neither is the placing of the falsity or verity first or last material, but all must be true, or else the grant is void; always understood, that if you can reconcile all the words, and make no falsity that is quite out of this rule, which hath place only where there is a direct contrariety or falsity not to be reconciled to this rule.

Vide livers avant dit pur cest auxi.

As if I grant all my land in D. *in tenura* I. S. which I purchased of I. N. specified in a demise to I. D. and I have land in D. whereof in part of them all these circumstances are true, but I have other lands in D. wherein some of them fail, this grant will not pass all my land in D. for there these are references and no words of falsity or error, but of limitation and restraint.

REGULA XXV.

Ambiguitas verborum latens verificatione suppletur; nam quod ex facto oritur ambiguum verificatione facti tollitur.

There be two sorts of ambiguities of words, the one is *ambiguitas patens*, and the other *latens*. *Patens* is that which appears to be ambiguous upon the deed or instrument: *latens* is that which seemeth certain and without ambiguity, for any thing that appeareth upon the deed or instrument; but there is some collateral matter out of the deed that breedeth the ambiguity.

Ambiguitas patens is never holpen by averment, and the reason is, because the law will not couple and mingle matter of speciality, which is of the higher account, with matter of averment, which is of inferior account in law; for that were to make

all deeds hollow, and subject to averments, and so in effect, that to pass without deed, which the law appointeth shall not pass but by deed.

Therefore if a man give land to *I. D. et I. S. et hæredibus*, and do not limit to whether of their heirs, it shall not be supplied by averment to whether of them the intention was the inheritance should be limited.

So if a man give land in tail, though it be by will, the remainder in tail, and add a proviso in this manner: Provided that if he, or they, or any of them do any, &c. according to the usual clauses of perpetuities, it cannot be averred upon the ambiguities of the reference of this clause, that the intent of the devisor was, that the restraint should go only to him in the remainder, and the heirs of his body; and that the tenant in tail in possession was meant to be at large.

Of these infinite cases might be put, for it holdeth generally that all ambiguity of words by matter within the deed, and not out of the deed, shall be holpen by construction, or in some case by election, but never by averment, but rather shall make the deed void for uncertainty.

But if it be *ambiguitas latens*, then otherwise it is: as if I grant my manor of S. to I. F. and his heirs, here appeareth no ambiguity at all; but if the truth be, that I have the manors both of South S. and North S. this ambiguity is matter in fact; and therefore it shall be holpen by averment, whether of them was that the party intended should pass.

So if I set forth my land by quantity, then it shall be supplied by election, and not averment.

As if I grant ten acres of wood in sale, where I have a hundred acres, whether I say it in my deed or no, that I grant out of my hundred acres, yet here shall be an election in the grantee, which ten he will take.

And the reason is plain, for the presumption of the law is, where the thing is only nominated by quantity, that the parties had indifferent intentions which should be taken, and there being no cause to help the uncertainty by intention, it shall be holpen by election.

But in the former case the difference holdeth, where it is expressed, and where not; for if I recite, Whereas I am seised of the manor of North S. and South S. I lease unto you *unum manerium de S.* there it is clearly an election. So if I recite, Whereas I have two tenements in St. Dunstan's, I lease unto you *unum tenementum*, there it is an election, not averment of intention, except the intent were of an election, which may be specially averred.

Another sort of *ambiguitas latens* is correlative unto these: for this ambiguity spoken of before, is when one name and appellation doth denominate divers things, and the second, when the same thing is called by divers names.

As if I give lands to Christ-Church in Oxford, and the name of the corporation is "Ecclesia Christi in Universitate Oxford," this shall be holpen by averment, because there appears no ambiguity in the words; for this variance is matter in fact, but the averment shall not be of intention, because it doth stand with the words.

For in the case of equivocation the general intent includes both the special, and therefore stands with the words: but so it is not in variance, and therefore the averment must be of matter, that do endure quantity, and not intention.

As to say, of the precinct of Oxford, and of the University of Oxford, is one and the same, and not to say that the intention of the parties was, that the grant should be to Christ-Church in that University of Oxford.

THE

USE OF THE LAW;

FOR

PRESERVATION OF OUR PERSONS, GOODS, AND GOOD NAMES,

ACCORDING TO THE

PRACTICE OF THE LAWS AND CUSTOMS OF THIS LAND.

The use of the law, and wherein it principally consisteth.

THE use of the law consisteth principally in these three things:

I. To secure men's persons from death and violence.

II. To dispose the property of their goods and lands.

III. For preservation of their good names from shame and infamy.

Surety to keep the peace.

For safety of persons, the law provideth that any man standing in fear of another may take his oath before a justice of peace, that he standeth in fear of his life, and the justice shall compel the other to be bound with sureties to keep the peace.

Action for slander, battery, &c.

If any man beat, wound, or maim another, or give false scandalous words

that may touch his credit, the law giveth thereupon an action of the case for the slander of his good name; and an action of battery, or an appeal of maim, by which recompence shall be recovered, to the value of the hurt, damage, or danger.

Appeal of murder given to the next of kin.

If any man kill another with malice, the law giveth an appeal to the wife of the dead, if he had any, or to the next of kin that is heir, in default of a wife; by which appeal the defendant convicted is to suffer death, and to lose all his lands and goods: but if the wife or heir will not sue, or be compounded withal, yet the king is to punish the offence by indictment or presentment of a lawful inquest and trial of the offender before competent judges; whereupon being found guilty, he is to suffer death, and to lose his lands and goods.

Man-slaughter, when a forfeiture of goods, and when not.

If one kill another upon a sudden quarrel, this is man-slaughter, for which the offender must die, except he can read; and if he can read, yet must he lose his goods, but no lands.

And if a man kill another in his own defence, he shall not lose his life, nor his lands, but he must lose his goods, except the party slain did first assault him, to kill, rob, or trouble him by the highway side, or in his own house, and then he shall lose nothing.

Felo de se.

And if a man kill himself, all his goods and chattels are forfeited, but no lands.

Felony by mischance.

If a man kill another by misfortune, as shooting an arrow at a butt or mark, or casting a stone over a house, or the like, this is loss of his goods and chattels, but not of his lands nor life.

Deodand.

If a horse, or cart, or a beast, or any other thing do kill a man, the horse, beast, or other thing is forfeited to the crown, and is called a *Deodand*, and usually granted and allowed by the king to the bishop almoner, as goods are of those that kill themselves.

Cutting out tongues, and putting out eyes, felony.

The cutting out of a man's tongue, or putting out his eyes maliciously, is felony; for which the offender is to suffer death, and lose his lands and goods.

But for that all punishment is for example's sake, it is good to see the means whereby offenders are drawn to their punishment; and first for matter of the peace.

The ancient laws of England, planted here by the Conqueror, were, that there should be officers of two sorts in all the parts of this realm to preserve the peace:

1. Constabularii pacis.
2. Conservatores pacis.

The office of the constable.

The office of the constable was to arrest the parties that he had seen breaking the peace, or in fury ready to break the peace, or was truly informed by others, or by their own confession, that they had freshly broken the peace; which persons he might imprison in the stocks, or in his own house, as his or their quality required, until they had become bounden with sureties to keep the peace; which obligation from thenceforth was to be sealed and delivered to the constable to the use of the king; and that the constable was to send to the king's exchequer or chancery, from whence process should be awarded to levy the debt, if the peace were broken.

But the constables could not arrest any, nor make any put in bond upon complaint of threatening only, except they had seen them breaking the peace, or had come freshly after the peace was broken. Also, these constables should keep watch about the town for the apprehension of rogues and vagabonds, and night-walkers, and eves-droppers, scouts, and such like, and such as go armed. And they ought likewise to raise hue and cry against murderers, man-slayers, thieves, and rogues.

High constables for every hundred. Petty constables for every village.

Of this office of constable there were high constables, two of every hundred; petty constables, one in every village: they were in ancient time all appointed by the sheriff of the shire yearly in his court called the Sheriff's Turn, and there they received their oath. But at this day they are appointed either in the law-day of that precinct wherein they serve, or else by the high constable in the sessions of the peace.

The King's Bench first instituted, and its jurisdiction.

The Sheriff's Turn is a court very ancient, incident to his office. At the first it was erected by the Conqueror, and called the King's Bench, appointing men studied in the knowledge of the laws to execute justice, as substitutes to him, in his name, which men are to be named "Justiciarii ad placita coram rege assignati:" one of them being *capitalis justiciarius*, called to his fellows; the rest in number as pleaseth the king: of late but three *justiciarii* holden by patent. In this court every man above twelve years of age was to take his oath of allegiance to the king; if he were bound, then his lord to answer for him. In this court the constables were appointed and sworn; breakers of the peace punished by fine and imprisonment; the parties beaten or hurt recompensed upon complaints of damages; all appeals of murder, maim, robbery, decided; contempts against the crown, public annoyances against the people, treasons and felonies, and all other matters of wrong betwixt party and party for lands and goods.

Court of Marshalsea erected, and its jurisdiction within 12 miles of the chief tunnel, &c.

But the king seeing the realm grow daily more and more populous, and that this one court could not despatch all, did first ordain that his marshal should keep a court, for controversies arising within the verge, which was within twelve miles of the chiefest tunnel of the court; which did but ease the King's Bench in matters only concerning debts, covenants, and such like, of those of the king's household only; never dealing in breaches of the peace, or concerning the crown by any other persons, or any pleas of lands.

Sheriff's Turn instituted upon the division of Eng-

Insomuch as the king, for farther ease, having divided this kingdom into counties, and committing the charge of

land into counties, &c. Likewise called "Curia visus franci plegii."

every county to a lord or earl, did direct that those earls, within their limits, should look to the matter of the peace, and take charge of the constables, and reform public annoyances, and swear the people to the crown, and take pledges of the freemen for their allegiance; for which purpose the county did once every year keep a court, called the Sheriff's Turn; at which all the county, except women, clergy, children under twelve, and aged above sixty, did appear to give or renew their pledges for allegiance. And the court was called, "Curia visus franci plegii," a view of the pledges of freemen; or "Turna comitatus."

Subdivision of the county court into hundreds.

At which meeting or court there fell, by occasion of great assemblies, much blood-shed, scarcity of victuals, mutinies, and the like mischiefs, which are incident to the congregations of people, by which the king was moved to allow a subdivision of every county into hundreds, and every hundred to have a court, whereunto the people of every hundred should be assembled twice a year for survey of pledges, and use of that justice which was formerly executed in that grand court for the county; and the count or earl appointed a bailiff under him to keep the hundred court.

The charge of the county taken from the earls, and committed to the sheriff.

But in the end, the kings of this realm found it necessary to have all execution of justice immediately from themselves, by such as were more bound than earls to that service, and readily subject to correction for their negligence or abuse; and therefore took to themselves the appointing a sheriff yearly in every county, calling them "Vicecomites," and to them directed such writs and precepts for executing justice in the county, as fell out needful to have been despatched, committing to the sheriff *custodiam comitatus;* by which the earls were spared of their toils and labours, and that was laid upon the sheriffs. So as now the sheriff doth all the king's business in the county, and that is now called the Sheriff's Turn; that is to say, he is judge of this grand court for the county, and also of all hundred courts not given away from the crown.

The sheriff is judge of all hundred courts, &c.

County court kept monthly by the sheriff.

He hath another court called the county court, belonging to his office, wherein men may sue monthly for any debt or damages under 40*s.* and may have writs for to replevy their cattle distrained and impounded by others, and there try the cause of their distress; and by a writ called *justicies*, a man may sue for any sum; and in this court the sheriff by a writ called an *exigent* doth proclaim men sued in courts above to render their bodies, or else they be outlawed.

The office of the sheriff.

This sheriff doth serve the king's writs of process, be they summons, or attachments, to compel men to answer to the law, and all writs of execution of the law, according to judgments of superior courts for taking of men's goods, lands, or bodies as the cause requireth.

Hundred courts to whom at first granted.

The hundred courts were most of them granted to religious men, noblemen, and others of great place. And also many men of good quality have attained by charter, and some by usage with manors of their own, liberty of keeping law-days and to use their justice appertaining to a law-day.

Lord of the hundred to appoint two high constables.

Whosoever is lord of the hundred court, is to appoint two high constables of the hundred, and also is to appoint in every village a petty constable, with a tithing-man to attend in his absence, and to be at his commandment when he is present in all services of his office for his assistance.

What matters they inquire of in leets and law-days.

There have been, by use and statute law, besides surveying of the pledges of freemen, and giving the oath of allegiance, and making of constables, many additions of powers and authority given to the stewards of leets and law-days, to be put in use in the courts; as for example, they may punish inn-keepers, victuallers, bakers, butchers, poulterers, fishmongers, and tradesmen of all sorts, selling with under-weights or measures, or at excessive prices or things unwholesome, or ill made, in deceit of the people. They may punish those that do stop, straiten or annoy the highways, or do not, according to the provision enacted, repair or amend them, or divert water-courses, or destroy fry of fish, or use engines or nets to take deer, conies, pheasants, or partridges, or build pigeon-houses; except he be lord of the manor, or parson of the church. They may also take presentment upon oath of the twelve sworn jury before them of all felonies; but they cannot try the malefactors, only they must by indenture deliver over those presentments of felony to the judges when they come their circuits into that county. All those courts before mentioned are in use, and exercised as law at this day, concerning the sheriff's law-days and leets, and the offices of high constables, petty constables, and tithing-men; howbeit, with some further additions by statute laws, laying charge upon them for taxation for poor, for soldiers, and the like, and dealing without corruption, and the like.

Conservators of the peace by writ for term of life or at the king's pleasure.

Conservators of the peace were in ancient times certain which were assigned by the king to see the peace maintained, and they were called to the office by the king's writ, to continue for term of their lives, or at the king's pleasure.

What their office was.

For this service, choice was made of the best men of calling in the country, and but few in the shire. They might bind any man to keep the peace, and to good behaviour, by recognizance to the king with sureties, and they might by warrant send for the party, directing their warrant to the sheriff or constable, as they please, to arrest the party and bring him before them. This they used to do, when complaint was made by any that he stood in fear of another, and so took his oath or else where the conservator himself did, without oath or complaint, see the disposition of any man inclined to quarrel and breach of the peace, or to

behave himself in some outrageous manner of e or fraud: there by his own discretion he might d for such a fellow, and make him find sureties he peace, or of his good behaviour, as he should cause; or else commit him to the gaol if he need.

servators e peace rtue of office.

The judges of either bench in Westminster, barons of the exchequer, master of the rolls, and justices in eyre and assizes in their circuits, were all, without it, conservators of the peace in all shires of England, and continue to this day.

ices of ce ordain- in lieu of servators. er of plac- delegated he chan- lor.

But now at this day conservators of the peace are out of use, and in lieu of them there are ordained justices of peace, assigned by the king's commissions in every county, which are movable at the king's pleasure; but the power of acing and displacing justices of the peace is by delegated from the king to the chancellor.

That there should be justices of peace by commissions, it was first enacted by a statute made Edw. III. and their authority augmented by many statutes made since in every king's reign.

fine offend- to the own, but to recom- se the ty grieved. ri stat. R. 2 cap. et. v. Dyer b. Ils ount er d'in- er de mur- r car ceo felon.

They are appointed to keep four sessions every year; that is, every quarter one. These sessions are a sitting of the justices to despatch the affairs of their commissions. They have power to hear and determine, in their sessions, all felonies, breaches of the peace, contempts and trespasses, so far as to fine the offender to the crown, but not to award recompence to the party grieved.

Authority of e justices of peace, &c.

They are to suppress riots and tumults, to restore possessions forcibly taken away, to examine all felons apprehended and brought before them; to see impotent poor people, or maimed soldiers provided for, according to the laws; and rogues, vagabonds, and beggars punished. They are both to license and suppress ale-houses, badgers of corn and victuals, and to punish forestallers, regrators, and ingrossers.

Through these, in effect, run all the county services to the crown, as taxations of subsidies, mustering men, arming them, and levying forces, that is done by a special commission or precept from the king.

Beating, killing, burning of houses.

Any of these justices, by oath taken by a man that he standeth in fear that another man will beat him, or kill him, or burn his house, are to send for the party by warrant of attachment directed to the sheriff or constable, and then to bind the party with sureties by recognisance to the king to keep the peace, and also to appear at the next sessions of the peace; at which next sessions, when every justice of the peace hath therein delivered all their recognisances so taken, then the parties are called, and the cause of binding to the peace examined, and both parties being heard, the whole bench is to determine as they see cause, either to continue the party so bound, or else to discharge him.

Attachments for surety of the peace.

Recognisance of the peace delivered by the justices at their sessions.

Quarter sessions held by the justices of the peace.

The justices of peace in their sessions are attended by the constables and bailiffs of all hundreds and liberties within the county, and by the sheriff or his deputy, to be employed as occasion shall serve in executing the precepts and directions of the court. They proceed in this sort: The sheriff doth summon twenty-four freeholders, discreet men of the said county, whereof some sixteen are selected and sworn, and have their charge to serve as the grand jury; the party indicted is to traverse the indictment, or else to confess it, and so submit himself to be fined as the court shall think meet, regard had to the offence, except the punishment be certainly appointed, as often it is, by special statutes.

The authority of justices of the peace out of their sessions.

The justices of peace are many in every county, and to them are brought all traitors, felons, and other malefactors of any sort upon their first apprehension; and that justice to whom they are brought examineth them, and heareth their accusations, but judgeth not upon it; only if he find the suspicion but light, then he taketh bond with sureties of the accused to appear either at the next assizes, if it be a matter of treason or felony; or else at the quarter sessions, if it be concerning riot or misbehaviour, or some other small offence. And he also then bindeth to appear those that give testimony and prosecute the accusation, all the accusers and witnesses, and so setteth the party at large. And at the assizes or sessions, as the case falleth out, he certifieth the recognisances taken of the accused, accusers, and witnesses, who being there are called, and appearing, the cause of the accused is debated according to law for his clearing or condemning.

But if the party accused seem, upon pregnant matter in the accusation, and to the justice, to be guilty, and the offence heinous, or the offender taken with the *mainour*, then the justice is to commit the party by his warrant, called a *mittimus*, to the gaoler of the common gaol of the county, there to remain until the assizes. And then the justice is to certify his accusation, examination, and recognisance taken for the appearances and prosecution of the witnesses, so as the judges may, when they come, readily proceed with him as the law requireth.

Judges of assize in place of the ancient judges in eyre, Tem. R. II.

The judges of the assizes as they be now come into the place of the ancient justices in eyre, called "justiciarii itinerantes," which in the prime kings after the conquest, until H. III.'s time especially, and after in lesser measure even to R. II.'s time, did execute the justice of the realm; they began in this sort.

King's bench, marshal's court, county court, sheriff's turns, hundreds, leets, and law-days, dealt only in crown matters; justices in eyre dealt in private titles of lands or goods, and in all treasons and felonies, which the

The king, not able to despatch business in his own person, erected the court of king's bench. That not able to receive all, nor meet to draw the people all to one place, there were ordained counties, and the sheriff's turns, hundred courts, and particular leets, and law-days, as before mentioned, which dealt only with crown matters for the public; but not the private titles of lands, or goods, nor the

county courts meddled not in.

trial of grand offences of treasons and felonies. All the counties of the realm were divided into six circuits: and two learned men, well read in the laws of the realm, were assigned by the king's commission to every circuit, and to ride twice a year through those shires allotted to that circuit, making proclamation beforehand, a convenient time, in every county, of the time of their coming, and place of their sitting, to the end the people might attend them in every county of that court.

They were to stay three or four days in every county, and in that time all the causes of that county were brought before them by the parties grieved, and all the prisoners of every gaol in the said shire, and whatsoever controversies arising concerning life, lands, or goods.

The authority of judges in eyre, translated to justices of assize.

The authority of these judges in eyre is in part translated by act of parliament to justices of assize, which be now the judges of circuits, and they to use the same course that justices in eyre did, to proclaim their coming every half year, and the place of their sitting.

Justices of assize much lessened by the court of common pleas, erected in H. III.'s time.

The business of the justices in eyre, and of the justices of assize at this day, is much lessened, for that in H. III.'s time there was erected the court of common pleas at Westminster, in which court have been ever since, and yet are begun and handled the great suits of lands, debts, benefices, and contracts, fines for assurance of lands, and recoveries, which were wont to be either in the king's bench, or else before the justices in eyre. But the statute of Mag. Chart. cap. 11, is negative against it, namely, "Communia placita non sequantur curiam nostram, sed teneantur in aliquo loco certo;" which *locus certus* must be the common-pleas; yet the judges of circuits have now five commissions by which they sit.

Justices of assize sit by five commissions.

Oyer and terminer, in which the judges are of the Quorum, &c.

The first is a commission of oyer and terminer, directed unto them, and many others of the best account, in their circuits: but in this commission the judges of assize are of the Quorum, so as without them there can be no proceeding.

This commission giveth them power to deal with treasons, murders, and all manner of felonies and misdemeanors, whatsoever; and this is the largest commission that they have.

Gaol-delivery directed only to the judges and clerk of assize.

The second is a commission of gaol-delivery, that is only to the judges themselves, and the clerk of the assize associate: and by this commission they are to deal with every prisoner in the gaol, for what offence soever he be there, and to proceed with him according to the laws of the realm, and the quality of his offence; and they cannot by this commission do any thing concerning any man, but those that are prisoners in the gaol. The course now in use of execution of this commission of gaol-delivery, is this. There is no prisoner but is committed by some justice of peace, who before he committed him took his examination, and bound his accusers and witnesses to appear and prosecute at the gaol-delivery. This justice doth certify these examinations and bonds, and thereupon the accuser is called solemnly into the court, and when he appeareth, he is willed to prepare a bill of indictment against the prisoner, and go with it to the grand jury, and give evidence upon their oaths, he and the witnesses; which he doth: and then the grand jury write thereupon either "billa vera," and then the prisoner standeth indicted: or else "ignoramus," and then he is not touched. The grand jury deliver these bills to the judges in their court, and so many as they find indorsed "billa vera," they send for those prisoners; then is every man's indictment put and read to him, and they ask him, whether he be guilty or not: if he saith, Guilty, his confession is recorded; if he say, Not guilty, then he is asked how he will be tried; he answereth, By the country. Then the sheriff is commanded to return the names of twelve freeholders to the court, which freeholders be sworn to make true delivery between the king and the prisoner; and then the indictment is again read, and the witnesses sworn to speak their knowledge concerning the fact, and the prisoner is heard at large what defence he can make, and then the jury go together and consult. And after a while they come in with a verdict of Guilty or Not guilty, which verdict the judges do record accordingly. If any prisoner plead Not guilty upon the indictment, and yet will not put himself to trial upon the jury, or stand mute, he shall be pressed.

The manner of the proceedings of the justices of circuits.

Of the judges for the gaol-delivery.

The judges, when many prisoners are in the gaol, do in the end before they go peruse every one. Those that were indicted by the grand jury, and found Not guilty by the select jury, they judge to be quitted, and so deliver them out of the gaol. Those that are found Guilty by both juries, they judge to death, and command the sheriff to see execution done. Those that refuse trial by the country, or stand mute upon the indictment, they judge to be pressed to death. Some whose offences are pilfering under twelve pence value, they judge to be whipped. Those that confess their indictments, they judge to death, whipping, or otherwise, as their offence requireth. And those that are not indicted at all, but their bill of indictment returned with "ignoramus" by the grand jury, and all others in the gaol, against whom no bills at all are preferred, they do acquit by proclamation out of the gaol; that one way or other they rid the gaol of all the prisoners in it. But because some prisoners have their books, and are burned in the hand, and so delivered, it is necessary to show the reason thereof. This having their books is called their clergy, which in ancient time began thus.

Books allowed, clergy, &c.

For the scarcity of the clergy in the realm of England, to be disposed in religious houses, or for priests, deacons, and clerks of parishes, there was a prerogative allowed to the clergy, that if any man that could read as a clerk were to be condemned to death, the bishop

the diocess might, if he would, claim him as a rk, and he was to see him tried in the face of the urt whether he could read or not. The book was epared and brought by the bishop, and the judge as to turn to some place as he should think meet; d if the prisoner could read, then the bishop was have him delivered over unto him, to dispose of some places of the clergy as he should think eet: but if either the bishop would not demand m, or that the prisoner could not read, then was to be put to death.

ergy allowanciently in offences, cept treason d robbing of urches; w taken ry. 1. In urder. 2. In rglary. Robbery. Purse-cutg & Horseealing, and divers other fences. By e stat. of E judges w to allow ergy, and to e them burnd in the hand, d to disharge the primers without delivering em to the bishop.

And this clergy was allowable, in the ancient times and law, for all offences, whatsoever they were, except treason, and the robbing of churches of their goods and ornaments. But by many statutes made since, the clergy is taken away for murder, burglary, robbery, purse-cutting, horse-stealing, and divers other felonies particularized by the statutes to the judges; and lastly, by a statute made 18 Elizabeth, the judges themselves are appointed to allow clergy to such as can read, being not such offenders from whom clergy is taken away by any statute, and to see them burned in the hand, and so discharge them, without delivering them to the bishop; howbeit, the bishop appointeth the deputy to attend the judges with a ook to try whether they can read or not.

The third commission that the judges of circuits ave, is a commission directed to themselves only, nd the clerk of assize, to take assizes, by which hey are called justices of assize; and the office of hose justices is to do right upon writs called assizes, brought before them by such as are wrongfully thrust out of their lands. Of which number f writs there was far greater store brought before hem in ancient times than now; for that men's eisins and possessions are sooner recovered by sealng leases upon the ground, and by bringing an *jectione firmæ*, and trying their title so, than by the ong suits of assizes.

Commisns to take Nisi prius, directed to two udges, and he clerk of he assize. Nisi Prius.

The fourth commission is a commission to take *Nisi prius*, directed to none but to the judges themselves, and their clerks of assizes, by which they are called justices of *Nisi prius*. These *Nisi prius* happen in this sort; when suit is begun for any matter in one of the three ourts, the king's bench, common pleas, or the exhequer here above, and the parties in their pleadngs do vary in a point of fact; as for example, if n an action of debt upon obligation the defendant enies the obligation to be his debt; or in any action of respass grown for taking away goods, the defendnt denieth that he took them; or in action of the ase for slanderous words, the defendant denieth hat he spake them, &c. Then the plaintiff is to maintain and prove that the obligation is the defendant's deed, that he either took the goods or spake the words: upon which denial and affirmation the law saith, that issue is joined betwixt them, which issue of the fact is to be tried by a jury of twelve men of the county, where it is supposed by the plaintiff to be done, and for that purpose the judges of the court do award a writ of *Venire facias* in the king's name to the sheriff of that county, commanding him to cause four and twenty discreet freeholders of his county, at a certain day, to try this issue so joined; out of which four and twenty only twelve are chosen to serve. And that double number is returned, because some may make default, and some be challenged upon kindred, alliance, or partial dealing.

These four and twenty the sheriff doth name and certify to the court, and withal, that he hath warned them to come at the day according to their writ. But because at the first summons there falleth no punishment upon the four and twenty if they come not, they very seldom or never appear upon the first writ; and upon their default there is another writ* returned to the sheriff, commanding him to distrain them by their lands to appear at a certain day appointed by the writ, which is the next term after, "Nisi prius justiciarii nostri ad assisas capiendas venerint," etc. of which words the writ is called a *Nisi prius*, and the judges of the circuit of that county in that vacation, and mean time, before the day of appearance appointed for the jury above, here by their commission of *Nisi prius* have authority to take the appearance of the jury in the county before them, and there to hear the witnesses and proofs on both sides, concerning the issue of the fact, and to take the verdict of the jury, and against the day they should have appeared above, to return the verdict read in the court above, which return is called a *Postea*.

* *Distringas.* The manner of proceeding of justices of circuits. The course the judges hold in the taking of *Nisi prius.*

Postea.

And upon this verdict clearing the matter in fact, one way or other, the judges above give judgment for the party for whom the verdict is found, and for such damages and costs as the jury do assess.

By those trials called "Nisi prius," the juries and the parties are eased much of the charge they should be put to, by coming to London with their evidences and witnesses; and the courts of Westminster are eased of much trouble they should have, if all the juries for trials should appear and try their causes in those courts; for those courts above have little leisure now. Though the juries come not up, yet in matters of great weight, or where the title is intricate or difficult, the judges above, upon information to them, do retain those causes to be tried there, and the juries do at this day, in such cases, come to the bar at Westminster.

The fifth commission that the judges in their circuits do sit by, is the commission of the peace in every county of their circuit. And all the justices of the peace, having no lawful impediment, are bound to be present at the assizes to attend the judges, as occasion shall fall out; if any make default, the judges may set a fine upon him at their pleasure and discretions. Also the sheriff in every shire through the circui is

5. Commission is a commission of the peace. The justices of the peace and the sheriff are to attend the judges in their county.

to attend in person, or by a sufficient deputy allowed by the judges, all that time they be within the county, and the judges may fine him if he fail, or for negligence or misbehaviour in his office before them, the judges above may also fine the sheriff, for not returning, or not sufficient returning of writs before them.

Property in lands, how gotten or transferred.

I. By entry.
II. By descent.
III. By escheat.
IV. Most usually by conveyance.

Of the property of lands to be gained by entry.

I. Property by entry is, where a man findeth a piece of land that no other possesseth, or hath title unto, and he that so findeth it doth enter, this entry gaineth a property. This law seemeth to be derived from this text, "Terram dedit filiis hominum," which is to be understood, to those that will till and manure it, and so make it yield fruit: and that is he that entereth into it, where no man had it before. But this manner of gaining lands was in the first days, and is not now of use in England, for that by the Conquest all the land of this nation was in the Conqueror's hands, and appropriated unto him; except religious and church lands, and the lands in Kent, which by composition were left to the former owners, as the Conqueror found them; so that none but the bishoprics, churches, and the men of Kent, can at this day make any greater title than from the Conquest, to any lands in England. And lands possessed without any such title, are in the crown, and not in him that first entereth; as it is in land left by the sea; this land belongeth to the king, and not to him that hath the lands next adjoining, which was the ancient sea banks. This is to be understood of the inheritance of lands, namely, that the inheritance cannot be gained by the first entry. But an estate for another man's life by occupancy, may at this day be gotten by entry. As a man called A. having land conveyed unto him for the life of B. dieth without making any estate of it, there, whosoever first entereth into the land after the decease of A. getteth the property in the land for time of the continuance of the estate which was granted to A. for the life of B. which B. yet liveth, and therefore the said land cannot revert till B. die. And to the heir of A. it cannot go, for that it is not any estate of inheritance, but only an estate for another man's life; which is not descendable to the heir, except he be specially named in the grant, namely, to him and his heirs. As for the executors of A. they cannot have it, for it is not an estate testamentary, that it should go to the executors as goods and chattels should, so as in truth no man can entitle himself unto those lands; and therefore the law preferreth him that first entereth, and he is called *occupans*, and shall hold it during the life of B. but must pay the rent, perform the conditions, and do no waste: and he may by deed assign it to whom he please in his life-time. But if he die before he assign it over, then it shall go again to whomsoever first entereth and holdeth; and so all the life of B. so often as it shall happen.

All lands in England were the Conqueror's, and held of him, except, 1. Religious and church lands. 2. The lands of the men of Kent.

Land left by the sea belongeth to the king.

Occupancy.

Likewise, if any man doth wrongfully enter into another man's possession, and put the right owner of the freehold and inheritance from it, he thereby getteth the freehold and inheritance by disseisin, and may hold it against all men, but him that hath right, and his heirs, and is called a disseisor. Or if any one die seised of lands, and before his heir doth enter, one that hath no right doth enter into the lands, and holdeth them from the right heir, he is called an abator, and is lawful owner against all men but the right heir.

And if such person abator or disseisor, so as the disseisor hath quiet possession five years next after the disseisin, do continue their possession, and die seised, and the land descend to his heir, they have gained the right to the possession of the land against him that hath right, till he recover it by fit action real at the common law. And if it be not sued for at the common law, within threescore years after the disseisin, or abatement committed, the right owner hath lost his right by that negligence. And if a man hath divers children, and the elder, being a bastard, doth enter into the land, and enjoyeth it quietly during his life, and dieth thereof so seised, his heirs shall hold the land against all the lawful children, and their issues.

Property of lands by descent.

II. Property of lands by descent is, where a man hath lands of inheritance and dieth, not disposing of them, but leaving it to go, as the law casteth it, upon the heir. This is called a descent in law, and upon whom the descent is to light, is the question. For which purpose, the law of inheritance preferreth the first child before all others, and amongst children the male before the female; and amongst males the first born. If there be no children, then the brother; if no brother, then sisters; if neither brothers nor sisters, then uncles, and for lack of uncles, aunts; if none of them, then cousins in the nearest degree of consanguinity, with these three rules of diversities. 1. That the eldest male shall solely inherit; but if it come to females, then they being all in an equal degree of nearness shall inherit all together, and are called parceners, and all they make but one heir to the ancestor. 2. That no brother or sister of the half blood shall inherit to his brother or sister, but as a child to his parents: as for example, if a man have two wives, and by either wife a son, the eldest son over-living his father, is to be preferred to the inheritance of the father, being fee-simple: but if he entereth and dieth without a child, the brother shall not be his heir, because he is of the half blood to him, but the uncle of the eldest brother or sister of the whole blood: yet if the eldest brother had died, or had

Of descent: three rules.

Brother or sister of the half blood shall not inherit to his brother or sister, but only as a child to his parents.

not entered in the life of the father, either by such entry or conveyance, then the youngest brother should inherit the land that the father had, although it were a child by the second wife, before any daughter by the first. The third rule about descents: The land purchased so by the party himself that dieth, is to be inherited; first, by the heirs of the father's side; then, if he have none of that part, by the heirs of the mother's side. But lands descended to him from his father or mother, are to go to that side only from which they came, and not to the other side.

Descent.

Those rules of descent mentioned before are to be understood of fee-simples, and not of entailed lands; and those rules are restrained by some particular customs of some particular places: as namely, the customs of Kent, that every male of equal degree of childhood, brotherhood, or kindred, shall inherit equally, as daughters shall, being parceners; and in many borough towns of England, the custom allowed the youngest son to inherit, and so the youngest daughter. The custom of Kent is called, Gavelkind. The custom of boroughs, Burgh-English.

Customs of certain places.

And there is another note to be observed in fee-simple inheritance, and that is, that every heir having fee-simple land or inheritance, be it by common law or by custom, of either Gavelkind or Burgh-English, is chargeable, so far forth as the value thereof extendeth, with the binding acts of the ancestors from whom the inheritance descendeth: and these acts are collateral encumbrances, and the reason of this charge is, "Qui sentit commodum, sentire debet et incommodum sive onus." As for example, if a man bind himself and his heirs in an obligation, or do covenant by writing for him and his heirs, or do grant an annuity for him and his heirs, or do make a warranty of land, binding him and his heirs to warranty: in all these cases the law chargeth the heir after the death of the ancestor with this obligation, covenant, annuity, and warranty: yet with these three cautions: first, that the party must by special name bind himself and his heirs, or covenant, grant, and warrant for himself and his heirs; otherwise the heir is not to be touched. Secondly, that some action must be brought against the heir, whilst the land or other inheritance resteth in him unaliened away: for if the ancestor die, and the heir, before an action be brought against him upon those bonds, covenants, or warranties, do alien away the land, then the heir is clean discharged of the burden; except the land was by fraud conveyed away of purpose to prevent the suit intended against him. Thirdly, that no heir is farther to be charged than the value of the land descended unto him from the same ancestor that made the instrument of charge, and that land also, not to be sold out-right for the debt, but to be kept in extent, and at a yearly value, until the debt or damage be run out. Nevertheless, if an heir that is sued upon such a debt of his ancestor do not deal clearly with the court when he is sued, that is, if he come not in immediately, and by way of confession set down the true quantity of his inheritance descended, and so submit himself therefore, as the law requireth, then that heir that otherwise demeaneth himself, shall be charged of his own lands or goods, and of his money, for this deed of his ancestor. As for example; if a man bind himself and his heirs in an obligation of one hundred pounds, and dieth leaving but ten acres of land to his heir, if his heir be sued upon the bond, and cometh in, and denieth that he hath any lands by descent, and it is found against him by the verdict that he hath ten acres; this heir shall be now charged by his false plea of his own lands, goods, and body, to pay the hundred pound, although the ten acres be not worth ten pound.

Every heir having land is bound by the binding acts of his ancestors, if he be named.

Dyer, 114. Plowd.

Dyer, 149. Plowd.

Day and Pepp's case.

Heir charged for his false plea.

III. Property of lands by escheat, is where the owner died seised of the lands in possession without child or other heir, thereby the land, for lack of other heir, is said to escheat to the lord of whom it is holden. This lack of heir happeneth principally in two cases: First, where the land's owner is a bastard. Secondly, where he is attainted of felony or treason. For neither can a bastard have any heir, except it be his own child, nor a man attainted of treason, although it be his own child.

Property of lands by escheat. Two causes of escheat. 1. Bastardy. 2. Attainder of treason, felony.

Upon attainder of treason the king is to have the land, although he be not the lord of whom it is held, because it is a royal escheat. But for felony it is not so, for there the king is not to have the escheat, except the land be holden of him: and yet where the land is not holden of him, the king is to have the land for a year and a day next ensuing the judgment of the attainder, with a liberty to commit all manner of waste all that year in houses, gardens, ponds, lands, and woods.

Attainder of treason entitleth the king, though lands be not holden of him: otherwise in attainder of felony, &c. for there the king shall have but *annum, diem et vastum.*

In these escheats two things are especially to be observed; the one is, the tenure of the lands, because it directeth the person to whom the escheat belongeth, namely, the lord of the manor of whom the land is holden. 2. The manner of such attainder which draweth with it the escheat. Concerning the tenure of lands, it is to be understood, that all lands are holden of the crown either mediately or immediately, and that the escheat appertaineth to the immediate lord, and not to the mediate. The reason why all land is holden of the crown immediately, or by mesne lords, is this:

In escheats, 1. The tenure. 2. The manner of the attainder.

The *Conqueror got by right of conquest all the land of the realm into his own hands in demesne, taking from every man all estate, tenure, property, and liberty of the same, except religious and church lands, and the land in Kent; and still as he gave any of it out of his own hand, he reserved some

* The Conqueror got all the lands of the realm into his hands, and reserved rents and services. Knight's service *in capite* first instituted.

retribution of rents, or services, or both, to him and to his heirs; which reservation is that which is called the tenure of land.

The reservation in knight's service.

In which reservation he had four institutions, exceeding politic and suitable to the state of a conqueror.

1. Marriage of the wards. 2. Horse for service. 3. Homage and fealty. 4. Primer seisin. The policy of the Conqueror in the reservation of services.

First, Seeing his people to be part Normans, and part Saxons, the Normans he brought with him, the Saxons he found here: he bent himself to conjoin them by marriages in amity, and for that purpose ordained, that if those of his nobles, knights, and gentlemen, to whom he gave great rewards of lands, should die, leaving their heir within age, a male within twenty-one, and a female within fourteen years, and unmarried, then the king should have the bestowing of such heirs in marriage in such a family, and to such persons as he should think meet; which interest of marriage went still implied, and doth at this day in every tenure called knight's service.

Reservation that his tenant should keep a horse of service, and serve upon him himself when the king went to war.

The second was, to the end that his people should still be conserved in warlike exercises, and able for his defence. When therefore he gave any good portion of lands, that might make the party of abilities or strength, he withal reserved this service, that that party and his heirs having such lands, should keep a horse of service continually, and serve upon him himself when the king went to wars; or else, having impediment to excuse his own person, should find another to serve in his place: which service of horse and man is a part of that tenure called knight's service at this day.

But if the tenant himself be an infant, the king is to hold this land himself until he come to full age, finding him meat, drink, apparel, and other necessaries, and finding a horse and a man with the overplus, to serve in the wars, as the tenant himself should do if he were at full age.

But if this inheritance descend upon a woman that cannot serve by her sex, then the king is not to have the lands, she being of fourteen years of age, because she is then able to have a husband that may do the service in person.

3. Institution of the Conqueror was, that his tenants by knight's service vow, 1. Homage. 2. Fealty.

* The third institution was, that upon every gift of land the king reserved a vow and an oath to bind the party to his faith and loyalty: that vow was called homage, the oath fealty. Homage is to be done kneeling, holding his hands between the knees of the lord, saying in the French tongue, I become your man of life and limb, and of earthly honour. Fealty is to take an oath upon a book, that he will be a faithful tenant to the king, and do his service, and pay his rents according to his tenure.

† The fourth institution was that for recognition of the king's bounty by every heir succeeding his ancestor in those knight's service lands, the king should have *primer seisin* of the lands, which is one year's profit of the land; and until this be paid, the king is to have possession of the land, and then to restore it to the heir; which continueth at this day in use, and is the very cause of suing livery, and that as well where the heir hath been in ward, or otherwise.

4. Institution was for recognition of the king's bounty, every heir to pay one year's profit of the lands called primer seisin.

These before mentioned be the rights of the tenure, called knight's service *in capite*, which is as much to say, as tenure *de persona regis*; and *caput* being the chiefest part of the person, it is called a tenure *in capite*, or in chief. And it is also to be noted, that as this tenure *in capite* by knight's service generally was a great safety to the crown, so also the Conqueror instituted other tenures *in capite* necessary to his estate; as namely, he gave divers lands to be holden of him by some special service about his person, or by bearing some special office in his house, or in the field, which have knight's service and more in them, and these be called tenures by grand serjeanty. Also he provided upon the first gift of lands to have revenues by continual service of ploughing his land, repairing his houses, parks, pales, castles, and the like. And sometimes to a yearly provision of gloves, spurs, hawks, horses, hounds, and the like; which kind of reservations are called also tenures in chief, or in *capite* of the king, but they are not by knight's service, because they required no personal service, but such things as the tenant may hire another to do, or provide for his money. And this tenure is called a tenure by socage *in capite*, the word *soca* signifying the plough; howbeit in this latter time, the service of ploughing the land, and of harvest works, is turned into money-rent, for that the kings do not keep their demesne in their own hands, as they were wont to do; yet what lands were *de antiquo dominio coronæ*, it well appeareth in the records of the exchequer called the book of Doomsday. And the tenants in ancient demesne have many immunities and privileges at this day, that in ancient times were granted unto those tenants by the crown; the particulars whereof are too long to set down.

King's service in capite is a tenure de persona regis. Tenants by grand serjeanty were to pay relief at the full age of every heir, which was one year's value of the lands held ultra reprisa. Grand serjeanty. Petty serjeanty.

The institution of socage in capite, and that it is now turned into money-rent.

These tenures *in capite*, as well that by socage as the others by knight's service, have this property: that the tenants cannot alien their lands without licence of the king; if they do, the king is to have a fine for the contempt, and may seize the land, and retain it until the fine be paid. And the reason is

* Aid money to make the king's eldest son a knight, or to marry his eldest daughter, is likewise due to his Majesty from every one of his tenants in knight's service, that hold by a whole fee 20*s*. and from every tenant in socage, if his land be worth twenty pound per annum, 20*s*.

† Escuage was likewise due unto the king from his tenant by knight's service: when his Majesty made a voyage royal to war against another nation, those of his tenants that did not attend him there for forty days with horse and furniture fit for service, were to be assessed in a certain sum by act of parliament, to be paid unto his Majesty; which assessment is called escuage.

because the king would have a liberty in the choice of his tenant, so that no man should presume to enter into those lands, and hold them, for which the king was to have those special services done him, without the king's leave; this licence and fine, as it is now digested, is easy and of course.

Office of alienation. A licence of alienation is the third part of one year's value of the land moderately rated.

There is an office called the office of alienation, where any man may have a licence at a reasonable rate, that is, at the third part of one year's value of the land moderately rated. A tenant *in capite* by knight's service or grand serjeanty, was restrained by ancient statute, that he should not give nor alien away more of his lands, than that with the rest he might be able to do the service due to the king: and this is now out of use.

Aid, what. Tenants by knight's service *in capite* paid it to make the king's eldest son a knight, or to marry his eldest daughter. Tenants by socage *in capite*.

And to this tenure by knight's service in chief was incident, that the king should have a certain sum of money called *aid*, due, to be ratably levied amongst all those tenants proportionably to their lands, to make his eldest son a knight, or to marry his eldest daughter.

And it is to be noted, that all those that hold lands by the tenure of socage *in capite*, although not by knight's service, cannot alien without licence, and they are to sue livery, and pay *primer seisin*, but not to be in ward for body or land.

How manors were at first created. Manors created by great men in imitation of the king in the institutions of tenures. *A manere*, the word manor. Knight's service tenure reserved to common persons.

By example and resemblance of the king's policy in these institutions of tenures, the great men and gentlemen of this realm did the like so near as they could; as for example, when the king had given to any of them two thousand acres of land, this party purposing in this place to make a dwelling, or, as the old word is, his mansion-house, or his manor-house, did devise how he might make his land a complete habitation to supply him with all manner of necessaries; and for that purpose, he would give of the uttermost parts of those two thousand acres, 100 or 200 acres, or more or less, as he should think meet, to one of his most trusty servants, with some reservation of rent, to find a horse for the wars, and go with him when he went with the king to the wars, adding vow of homage, and the oath of * fealty, wardship, marriage, and relief. This relief is to pay five pound for every knight's fee, or after that rate for more or less at the entrance of every heir; which tenant so created, and placed, was and is to this day called a tenant by knight's service, and not by his own person, but of his manors; of these he might make as many as he would. Then this lord would provide that the land which he was to keep for his own use should be ploughed, and his harvest brought home, his house repaired, his park paled, and the like: and for that end he would give some lesser parcels to sundry others, of twenty, thirty, forty, or fifty acres: reserving the service of ploughing a certain quantity, or so many days of his land, and certain harvest works or days in the harvest to labour, or to repair the house, park-pale, or otherwise, or to give him for his provision, capons, hens, pepper, cummin, roses, gilliflowers, spurs, gloves, or the like: or to pay to him a certain rent, and to be sworn to be his faithful tenant, which tenure was called a socage tenure, and is so to this day; howbeit most of the ploughing and harvest service are turned into money rents.

Relief in 5*l.* to be paid by every tenant by knight's service to his lord, &c.

Socage tenure reserved by the lord

Relief of tenant in socage, one year's rent and no wardship, or other profit upon the dying of the tenant.

† The tenants in socage at the death of every tenant were to pay relief, which was not as knight's service is, five pound a knight's fee: but it was, and so is still, one year's rent of the land; and no wardship or other profit to the lord. The remainder of the two thousand acres he kept to himself, which he used to manure by his bondmen, and appointed them at the courts of his manor how they should hold it, making an entry of it into the roll of the remembrances of the acts of his court, yet still in the lord's power to take it away; and therefore they were called tenants at will, by copy of court-roll; being in truth bondmen at the beginning: but having obtained freedom of their persons, and gained a custom by use of occupying their lands, they now are called copyholders, and are so privileged that the lord cannot put them out, and all through custom. Some copyholders are for lives, one, two, or three successively; and some inheritances, from heir to heir by custom; and custom ruleth these estates wholly, both for widows' estates, fines, herriots, forfeitures, and all other things.

Villenage or tenure by copy of court-roll.

Court baron, with the use of it.

Manors being in this sort made at the first, reason was that the lord of the manor should hold a court, which is no more than to assemble his tenants together at a time by him to be appointed; in which court he was to be informed by oath of his tenants, of all such duties, rents, reliefs, wardships, copyholds, or the like, that had happened unto him; which information is called a presentment, and then his bailiff was to seise and distrain for those duties if they were denied or withholden, which is called a court-baron: and herein a man may sue for any debt or trespass under forty shillings value, and the freeholders are to judge of the cause upon proof produced upon both sides. And therefore the freeholders of these manors, as incident to their tenures, do hold by suit of court, which is to come to the court, and there to judge between party and party in those petty actions; and also to inform the lord of duties, rents, and services unpaid to him from his tenants. By this course it is discerned who be the lords of lands, such as if the tenants die without heir, or be attainted of felony or treason, shall have the land by escheat.

Suit to the court of the lord incident to the tenure of the freeholders.

* Knight's service tenure created by the lord, is not a tenure by knight's service of the person of the lord, but of his manor.

† All money and escuage money is likewise due unto the lords of their tenants.

What attainders shall give the escheat to the lord. Attainders, 1. By judgment. 2. By verdict or confession. 3. By outlawry, give the lands to the lord. Of an attainder by outlawry.

Now concerning what attainders shall give the escheat to the lord; it is to be noted, that it must either be by judgment of death given in some court of record against the felon found guilty by verdict, or confession of the felony, or it must be by outlawry of him.

The outlawry groweth in this sort; a man is indicted for felony, being not in hold, so as he cannot be brought in person to appear and to be tried, insomuch that process of *capias* is therefore awarded to the sheriff, who not finding him, returneth, "non est inventus in balliva mea;" and thereupon another *capias* is awarded to the sheriff; who likewise not finding him maketh the same return: then a writ called an *exigent* is directed to the sheriff, commanding him to proclaim him in his county court five several court days, to yield his body; which if the sheriff do, and the party yield not his body, he is said, by the default, to be outlawed, the coroners there adjudging him outlawed, and the sheriff making the return of the proclamations, and of the judgment of the coroners upon the backside of the writ. This is an attainder of felony, whereupon the offender doth forfeit his lands by an escheat to the lord of whom they are holden.

Prayer of the clergy.

But note, that a man found guilty of felony by verdict or confession, and praying his clergy, and thereupon reading as a clerk, and so burnt in the hand and discharged, is not attainted; because he by his clergy preventeth the judgment of death, and is called a clerk convict, who loseth not his lands, but all his goods, chattels, leases, and debts.

He that standeth mute forfeiteth no lands, except for treason.

So a man indicted, that will not answer nor put himself upon trial, although he be by this to have judgment of pressing to death, yet he doth forfeit no lands, but goods, chattels, leases, and debts, except his offence be treason, and then he forfeiteth his lands to the crown.

He that killeth himself forfeiteth but his chattels.

So a man that killeth himself shall not lose his lands, but his goods, chattels, leases, and debts. So of those that kill others in their own defence, or by misfortune.

Flying for felony, a forfeiture of goods.

A man that being pursued for felony, and flieth for it, loses his goods for his flying, although he return and is tried, and found not guilty of the fact.

He that yielded his body upon the exigent for felony forfeiteth his goods.

So a man indicted for felony, if he yield not his body to the sheriff until after the exigent of proclamation is awarded against him, this man doth forfeit all his goods for his long stay, although he be not found guilty of the felony; but none is attainted to lose his lands, but only such as have judgments of death by trial upon verdict, or their own confession, or that they be by judgment of the coroners outlawed, as before.

Lands entailed escheat to the king for treason.

Besides the escheats of lands to the lords of whom they be holden, for lack of heirs, and by attainder for felony, which only do hold place in fee-simple lands, there are also forfeiture of lands to the crown by attainder of treason; as namely, if one that hath entailed lands commit treason, he forfeiteth the profits of the lands for his life to the crown, but not to the lord.

Stat. 26 H. 8.

Tenant for life committing treason or felony, there shall be no escheat to the lord.

And if a man having an estate for life of himself, or of another, commit treason or felony, the whole estate is forfeited to the crown, but no escheat to the lord.

But a copyhold, for fee-simple, or for life, is forfeited to the lord, and not to the crown; and if it be entailed, the lord is to have it during the life of the offender only, and then his heir is to have it.

The custom of Kent is, that Gavelkind land is not forfeitable nor escheatable for felony: for they have an old saying; The father to the bough, and the son to the plough.

The wife loseth no dower, notwithstanding the husband be attainted of felony.

If the husband was attainted, the wife was to lose her thirds in cases of felony and treason, but yet she is no offender; but at this day it is holden by statute law, that she loseth them not for the husband's felony. The relation of these forfeits are these:

Attainder in felony or treason by verdict, confession, or outlawry, forfeiteth all they had from the time of the offence committed.

1. That men attainted of felony or treason, by verdict or confession, do forfeit all the lands they had at the time of their offence committed; and the king or the lord, whosoever of them hath the escheat or forfeiture, shall come in and avoid all leases, statutes, or conveyances done by the offender, at any time since the offence done. And so is the law clear also, if a man be attainted for treason by outlawry: but upon attainder of felony by outlawry, it hath been much doubted by the law-books, whether the lord's title by escheat shall relate back to the time of the offence done, or only to the date of teste of the writ of exigent for proclamation, whereupon he is outlawed: howbeit at this day it is ruled, that it shall reach back to the time of the fact; but for goods, chattels, and debts, the king's title shall look no farther back than to those goods, the party attainted by verdict or confession had at the time of the verdict and confession given or made, and in outlawries at the time of the exigent, as well in treasons as felonies: wherein it is to be observed, that upon the party's first apprehension, the king's officers are to seize all the goods and chattels, and preserve them together, dispending only so much out of them, as is fit for the sustentation of the person in prison, without any wasting or disposing of them until conviction; and then the property of them is in the crown, and not before.

And so it is upon an attainder of outlawry, otherwise it is in the attainder by verdict, confession, and outlawry, as to their condition for the forfeiture of goods and chattels.

The king's officers to seize felon's goods and chattels.

It is also to be noted, that persons attainted for felony or treason have no capacity in them to take, obtain, or purchase, save only to the use of the king, until the party be pardoned. Yet the party

A person attainted may purchase, but it shall be to the king's use.

There can be no restitution in blood without act of parliament; but a pardon enableth a man to purchase, and the heir begotten after shall inherit those lands.

getteth not back his lands or goods without a special patent of restitution, which cannot restore the blood without an act of parliament. So if a man have a son, and then is attainted of felony or treason, and pardoned, and purchaseth lands, and then hath issue another son, and dieth; the son he had before he had his pardon, although he be his eldest son, and the patent have the words of restitution to his lands, shall not inherit, but his second son shall inherit them, and not the first; because the blood is corrupted by the attainder, and cannot be restored by patent alone, but by act of parliament. And if a man have two sons, and the eldest is attainted in the life of his father, and dieth without issue, the father living, the second son shall inherit the father's lands; but if the eldest son have any issue, though he die in the life of his father, then neither the second son, nor the issue of the eldest, shall inherit the father's lands, but the father shall there be accounted to die without heir; and the land shall escheat, whether the eldest son have issue or not, afterwards or before, though he be pardoned after the death of his father.

Property of land by conveyance divided into, 1 Estates in fee. 2. In tail. 3 For life. 4 For years.

IV. Property of lands by conveyance is first distributed into estates for years, for life, in tail, and fee-simple.

These estates are created by word, by writing, or by record.

1. For estates of years, which are commonly called leases for years, they are thus made: where the owner of the land agreeth with the other by word of mouth, that the other shall have, hold, and enjoy the land, to take the profits thereof for a time certain of years, months, weeks, or days, agreed between them; and this is called a lease parole; such a lease may be made by writing poll, or indented of demise, grant, and to farm let, and so also by fine of record; but whether any rent be reserved or no, it is not material. Unto these leases* there may be annexed such exceptions, conditions, and covenants, as the parties can agree on. They are called chattels real, and are not inheritable by the heirs, but go to the executors and administrators, and be saleable for debts in the life of the owner, or in the executors' or administrators' hands by writs of execution upon statutes, recognisances, judgments of debts or damages. They be also forfeitable to the crown by outlawry, by attainder for treason, felony, or premunire, killing himself, flying for felony, although not guilty of the fact, standing out, or refusing to be tried by the county, by conviction of felony, by verdict without judgment, petty larceny, or going beyond the sea without licence.

* Leases for years, they go to the executors, and not to the heirs.

Leases are to be forfeited by attainder. 1. In treason. 2. Felony. 3. Premunire. 4. By killing himself. 5. For flying. 6. Standing out, &c. 7. By conviction. 8 Petty larceny. 9. Going beyond the sea without licence. Extents upon statute staple, merchant, or elegit. Wardship of body and lands are chattels and forfeitable.

These are forfeitable to the crown, in like manner as leases for years; namely, interest gotten in other men's lands by extending for debt upon judgment in any court of record, statute merchant, statute staple, recognisances; which being upon statutes, are called tenants by statute merchant, or staple, the other tenants by *elegit*, and by wardship of body and lands; for all these are called chattels real, and go to the executors and administrators, and not to the heirs; and are saleable and forfeitable as leases for years are.

Lease for life how forfeitable.

2. Leases for lives are also called freeholds: they may also be made by word or writing. There must be livery and seisin given at the making of the lease by him, whom we call the lessor; who cometh to the door, backside, or garden, if it be a house, if not, then to some part of the land, and there he expresseth, that he doth grant unto the taker, called the lessee, for term of his life; and in seisin thereof, he delivereth to him a turf, twig, or ring of the door: and if the lease be by writing, then commonly there is a note written on the backside of the lease, with the names of those witnesses who were present at the time of the livery of seisin made. This estate is not saleable by the sheriff for debt, but the land is to be extended for a yearly value, to satisfy the debt. It is not forfeitable by outlawry, except in cases of felony, nor by any of the means before mentioned, of leases for years; saving in an attainder for felony, treason, premunire, and then only to the crown, and not to the lords by escheat.

Indorsement of livery, &c.

Lease for life not to be sold by the sheriff for debt, but extended at a yearly value.

And though a nobleman or other have liberty by charter, to have all felons' goods; yet a tenant holding for term of life, being attainted of felony, doth forfeit unto the king, and not to this nobleman.

A man that hath *bona felon.* by charter, shall not have the estate, if lease for life be attainted.

If a man have an estate in lands for another man's life, and dieth; this land cannot go to his heir, nor to his executors, but to the party that first entereth; and he is called an occupant; as before hath been declared.

Occupant.

A lease for years or for life may be made also by fine of record, or bargain and sale, or covenant, to stand seised upon good considerations of marriage, or blood; the reasons whereof are hereafter expressed.

Of estate tails, and how such an estate may be limited.

3. Entails of lands are created by a gift, with livery and seisin to a man, and to the heirs of his body; this word, body, making the entail, may be demonstrated and restrained to the males or females, heirs of their two bodies, or of the body of either of them, or of the body of the grandfather or father.

By the stat. of West. 1. made in Ed. I's time, estates in tail were so strengthened, that they were not forfeitable by any attainder.

Entails of lands began by a statute made in Ed. I.'s time, by which also they are so much strengthened, as that the tenant in tail could not put away the land from the heir by any act of conveyance or attainder; nor let it, nor encumber it, longer than his own life.

The great inconvenience that ensued thereof.

But the inconvenience thereof was great, for by that means the land being so sure tied upon the heir as that his

father could not put it from him, it made the son to be disobedient, negligent, and wasteful, often marrying without the father's consent, and to grow insolent in vice, knowing that there could be no check of disinheriting him. It also made the owners of the land less fearful to commit murders, felonies, treasons, and manslaughters; for that they knew none of these acts could hurt the heir of his inheritance. It hindered men that had entailed lands, that they could not make the best of their lands by fine and improvement, for that none, upon so uncertain an estate as for term of his own life, would give him a fine of any value, nor lay any great stock upon the land, that might yield rent improved.

The prejudice the crown received thereby.

Lastly, those entails did defraud the crown, and many subjects of their debts; for that the land was not liable longer than in his own life-time; which caused that the king could not safely commit any office of account to such whose lands were entailed, nor other men trust them with loan of money.

The stat. 4 H. VII. and 32 H. VIII. to bar estates tail by fine.

These inconveniencies were all remedied by acts of parliament; as namely, by acts of parliament later than the act of entails, made 4 H. VII. 32 H. VIII. a tenant in tail may disinherit his son by a fine with proclamation, and may by that means also make it subject to his debts and sales.

26 H. VIII. 32 H. VIII.

By a statute made 26 H. VIII. a tenant in tail doth forfeit his lands for treason; and by another act of parliament, 32 H. VIII. he may make leases good against his heir for one and twenty years, or three lives; so that it be not of his chief houses, lands, or demesne, or any lease in reversion, nor less rent reserved than the tenants have paid most part of one and twenty years before, nor have any manner of discharge for doing wastes and spoils: by a statute made 33 H. VIII. tenants of entailed lands are liable to the king's debts by extent; and by statutes made 13 and 39 Eliz. they are saleable for the arrearages upon his account for his office; so that now it resteth, that entailed lands have two privileges only, which be these: First, not to be forfeited for felonies. Secondly, not to be extended for debts after the party's death, except the entails be cut off by fine and recovery.

33 H. VIII. 13 et 39 Eliz. Entails two privileges; 1. Not forfeitable for felony. 2. Not extendable for the debts of the party after his death: proviso, not to exclude his next heir. If he do, to forfeit his estate, and the next heir must enter.

Of a perpetuity, which is an entail with an addition. These perpetuities would bring in all the former inconveniencies of estates tail.

But it is to be noted, that since these notable statutes, and remedies provided by statutes, to dock entails, there is started up a devise called perpetuity, which is an entail with an addition of a proviso conditional, tied to his estate, not to put away the land from his next heir; and if he do, to forfeit his own estate. Which perpetuities, if they should stand, would bring in all the former inconveniencies subject to entails, that were cut off by the former mentioned statutes, and far greater: for by the perpetuity, if he that is in possession start away never so little, as in making a lease, or selling a little quillet, forgetting after two or three descents, as often they do, how they are tied; the next heir must enter, who peradventure is his son, his brother, uncle, or kinsman; and this raiseth unkind suits, setting all the kindred at jars, some taking one part, some another, and the principal parties wasting their time and money in suits of law; so that in the end they are both constrained by necessity to join in a sale of the land, or a great part of it, to pay their debts, occasioned through their suits. And if the chief of the family, for any good purpose of well seating himself, by selling that which lieth far off, to buy that which is near, or for the advancement of his daughters, or younger sons, should have reasonable cause to sell, this perpetuity, if it should hold good, restraineth him. And more than that, where many are owners of inheritance of land not entailed, may, during the minority of his eldest son, appoint the profits to go to the advancement of the younger sons and daughters, and pay debts; but by entails and perpetuities, the owners of these lands cannot do it, but they must suffer the whole to descend to the eldest son, and so to come to the crown by wardship all the time of his infancy.

The inconveniencies of those perpetuities.

Wherefore, seeing the dangerous times and untowardly heirs, they might prevent those mischiefs of undoing their houses, by conveying the land from such heirs, if they were not tied to the stake by those perpetuities, and restrained from forfeiting to the crown, and disposing it to their own, or to their children's good; therefore it is worthy of consideration, whether it be better for the subject and sovereign to have the lands secured to men's names and bloods by perpetuities, with all the inconveniencies above mentioned, or to be in hazard of undoing his house by unthrifty posterity.

Query. Whether it be better to restrain men by these perpetuities from alienations, or to hazard the undoing of houses by unthrifty posterity.

4. The last and greatest estate of lands is fee-simple, and beyond this there is none of the former for lives, years, or entails; but beyond them is fee-simple. For it is the greatest, last, and uttermost degree of estates in land; therefore he that maketh a lease for life, or a gift in tail, may appoint a remainder when he maketh another for life or in tail, or to a third in fee-simple; but after a fee-simple he can limit no other estate. And if a man do not dispose of the fee-simple by way of remainder, when he maketh the gift in tail, or for lives, then the fee-simple resteth in himself as a reversion. The difference between a reversion and a remainder is this. The remainder is always a succeeding estate, appointed upon the gifts of a precedent estate at the time when the precedent is appointed. But the reversion is an estate left in the giver, after a particular estate made by him for years, life, or entail. Where the remainder is made with the particular estates, then it must be done by deeds

The last and greatest estate in land is fee-simple.

A remainder cannot be limited upon an estate in fee-simple.

The difference between a remainder and a reversion.

A reversion cannot be granted by word.

in writing, with livery and seisin, and cannot be by words; and if the giver will dispose of the reversion after it remaineth in himself, he is to do it in writing, and not by word, and the tenant is to have notice of it, and to atturn to it, which is to give his assent by word, or paying rent, or the like; and except the tenant will thus atturn, the party to whom the reversion is granted cannot have the reversion, neither can he compel him by any law to atturn, except the grant of the reversion be by fine; and then he may by writ provided for that purpose: and if he do not purchase that writ, yet by the fine the reversion shall pass: and the tenant shall pay no rent, except he will himself, nor be punished for any waste in houses, woods, &c. unless it be granted by bargain and sale by indenture enrolled. These fee-simple estates lie open to all perils of forfeitures, extents, encumbrances, and sales.

Atturnment must be had to the grant of the reversion. The tenant not compellable to atturn, but where the reversion is granted by fine.

Lands are conveyed by these six means:

Lands may be conveyed, 1. By feoffment. 2. By fine. 3. By recovery. 4. By use. 5. By covenant. 6. By will.

1. By feoffment, which is, where by deed lands are given to one and his heirs, and livery and seisin made according to the form and effect of the deed; if a lesser estate than fee-simple be given, and livery of seisin made, it is not called a feoffment, except the fee-simple be conveyed, but is otherwise called a lease for life or gift in tail, as above mentioned.

What a fine is, and how lands may be conveyed hereby.

2. A fine is a real agreement, beginning thus, "Hæc est finalis concordia," etc. This is done before the king's judges in the court of common pleas, concerning lands that a man should have from another to him and his heirs, or to him for his life, or to him and the heirs males of his body, or for years certain, whereupon rent may be reserved, but no condition or covenants. This fine is a record of great credit; and upon this fine are four proclamations made openly in the common pleas; that is, in every term one, for four terms together; and if any man having right to the same, make not his claim within five years after the proclamations ended, he loseth his right for ever, except he be an infant, a woman covert, a madman, or beyond the seas, and then his right is saved; so that the claim be within five years after full age, the death of her husband, recovery of his wits, or return from beyond the seas. This fine is called a feoffment of record, because that it includeth all the feoffment doth, and worketh farther of its own nature, and barreth entails peremptorily, whether the heir doth claim within five years or not, if he claimed by him that levied the fine.

Five years non-claim barreth not, 1 An infant. 2 Feme covert. 3. Madman. 4. Beyond sea.

Fine is a feoffment of record.

What recoveries are.

3. Recoveries are where for assurances of lands the parties do agree, that one shall begin an action real against the other, as though he had good right to the land, and the other shall not enter into defence against it, but allege that he bought the land of I. H. who had warranted unto him, and pray that I. H. may be called in to defend the title, which I. H. is one of the criers of the common-pleas, and is called the common vouchee. This I. H. shall appear and make as if he would defend it, but shall pray a day to be assigned him in his matter of defence; which being granted him, at the day he maketh default, and thereupon the court is to give judgment against him; which cannot be for him to lose his lands, because he hath it not, but the party that he hath sold it to hath that, who vouched him to warrant it.

Common vouchee one of the criers of the court.

Therefore the demandant who hath no defence made against it, must have judgment to have the land against him that he sued, who is called the tenant, and the tenant is to have judgment against I. H. to recover in value so much land of his, where in truth he hath none, nor never will. And by this device, grounded upon the strict principles of law, the first tenant loseth the land, and hath nothing for it; but it is by his own agreement for assurance to him that brought it.

Judgment for the demandant against the tenant in tail.

Judgment for tenant to recover so much land in value of the common vouchee.

This recovery barreth entails, and all remainders and reversions that should take place after the entails, saving where the king is giver of the entail, and keepeth the reversions to himself; then neither the heir, nor the remainder, nor the reversion, is barred by the recovery.

A recovery barreth an estate tail and all reversions and remainders thereupon.

The reason why the heirs, remainders, and reversions are thus barred, is because in strict law the recompence adjudged against the crier that was vouchee, is to go in succession of estate as the land should have done, and then it was not reason to allow the heir the liberty to keep the land itself, and also to have recompence; and therefore he loseth the land, and is to trust to the recompence.

The reason why a common recovery barreth those in remainder and reversions.

This slight was first invented, when entails fell out to be so inconvenient as is before declared, so that men made no conscience to cut them off, if they could find law for it. And now by use, those recoveries are become common assurances against entails, remainders, and reversions, and are the greatest security purchasers have for their money; for a fine will bar heir in tail and not the remainder, nor reversion, but a common recovery will bar them all.

The many inconveniences of estates in tail brought in these recoveries which are made now common conveyances and assurances for land.

Upon feoffments and recoveries, the estate doth settle as the use and intent of the parties is declared by word or writing, before the act was done: as for example, if they make a writing that one of them shall levy a fine, make a feoffment, or suffer a common recovery to the other: but the use and intent is, that one should have it for his life, and after his decease a stranger to have it in tail, and then a third in fee-simple; in this case the land settleth in an estate

Upon fines, feoffments, and recoveries, the estate doth settle according to the intent of the parties.

according to the use and intent declared: and that by reason of the statute made 27 H. VIII. conveying the land in possession to him that hath interest in the use or intent of the fine, feoffment, or recovery, according to the use and intent of the parties.

Bargains, sales, and covenants to stand seised to a use, are all grounded upon one statute.

Upon this statute is likewise grounded the fourth and fifth of the sixth conveyances, namely, bargains, and sales, and covenants to stand seised to uses; for this statute, wheresoever it findeth a use, conjoineth the possession to it, and turneth it into like quality of estate, condition, rent, and the like, as the use hath.

What a use is.

4. The use is but the equity and honesty to hold the land *in conscientia boni viri*. As for example; I and you agree that I shall give you money for your land, and you shall make me assurance of it. I pay you the money, but you make me not assurance of it. Here although the estate of the land be still in you, yet the equity and honesty to have it is with me; and this equity is called the use, upon which I had no remedy but in chancery, until this statute was made of 27 H. VIII. and now this statute conjoineth and conveyeth the land to him that hath the use. I for my money paid to you, have the land itself, without any other conveyance from you; and it is called a bargain and sale.

Before 27 H. 8. there was no remedy for a use, but in chancery.

The stat. of 27 H. 8. doth not pass land upon the payment of money without a deed indented and enrolled. The stat. of 27 H. 8. extendeth not to places where they did enrol deeds.

But the parliament that made that statute did foresee, that it would be mischievous that men's lands should so suddenly, upon the payment of a little money, be conveyed from them, peradventure in an alehouse or a tavern upon strainable advantages, did therefore gravely provide another act in the same parliament, that the land upon payment of this money should not pass away, except there were a writing indented, made between the two parties, and the said writing also within six months enrolled in some of the courts at Westminster, or in the sessions rolls in the shire where the land lieth; unless it be in cities or corporate towns where they did use to enrol deeds, and there the statute extendeth not.

A covenant to stand seised to a use.

5. The fifth conveyance is a covenant to stand seised to uses. It is in this sort: A man that hath a wife and children, brethren and kinsfolks, may by writing under his hand and seal agree, that for their or any of their preferment he will stand seised of his lands to their uses, either for life, in tail, or fee, so as he shall see cause; upon which agreement in writing, there ariseth an equity or honesty, that the land should go according to those agreements; nature and reason allowing these provisions; which equity and honesty is the use. And the use being created in this sort, the statute of 27 H. VIII. before mentioned, conveyeth the estate of the land, as the use is appointed.

Upon an agreement in writing to stand seised to the use of any of his kindred, a use may be created, &c.

And so this covenant to stand seised to uses, is at this day, since the said statute, a conveyance of land; and with this difference from a bargain and sale, in that this needeth no enrolment, as a bargain and sale doth; nor needeth it to be in writing indented, as bargain and sale must and if the party to whose use he agreeth to stand seised of the land, be not wife, or child, cousin, or one that he meaneth to marry, then will no use rise and so no conveyance; for although the law allow eth such weighty considerations of marriage and blood to raise uses, yet doth it not admit so trifling considerations, as of acquaintance, schooling, services or the like.

A covenant to stand seised to a use doth not rise as a bargain and sale to a use doth &c.

But where a man maketh an estate of his land to others, by fine, feoffment, or recovery, he may then appoint the use to whom he listeth, without respect of marriage, kindred, or other things; for in that case his own will and declaration guideth the equity of the estate. It is not so when he maketh no estate, but agreeth to stand seised, nor when he hath taken any thing, as in the cases of bargain and sale, and covenant to stand seised to uses.

Upon a fine, feoffment, or recovery, a man may limit the use to whom he listeth, without consideration of blood or money. Otherwise in a bargain and sale, or covenant.

6. The last of the six conveyances is a will in writing; which course of conveyance was first ordained by a statute made 32 H. VIII. before which statute no man might give land by will, except it were in a borough town, where there was an especial custom that men might give their lands by will; as in London, and many other places.

Of the conveyance of land by will.

The not giving of land by will was thought to be a defect at common law, that men in wars, or suddenly falling sick, had no power to dispose of their lands, except they could make a feoffment, or levy a fine, or suffer a recovery; which lack of time would not permit: and for men to do it by these means, when they could not undo it again, was hard; besides, even to the last hour of death, men's minds might alter upon farther proofs of their children or kindred, or increase of children or debt, or defect of servants or friends.

The not disposing of lands by will was thought to be a defect at the common law.

For which cause, it was reason that the law should permit him to reserve to the last instant the disposing of his lands, and to give him means to dispose of it; which seeing it did not fitly serve, men used this devise:

The course that was devised before the stat. of 32 H. 8. that gave power to devise lands by will, was a conveyance of lands to feoffees in trust, to such persons as they should declare in their will.

They conveyed their full estates of their lands, in their good health, to friends in trust, properly called feoffees in trust; and then they would by their wills declare how their friends should dispose of their lands; and if those friends would not perform it, the court of chancery was to compel them by reason of trust; and this trust was called the use of the land, so as the feoffees had the land, and the party himself had the use; which use was in equity, to take the profits for himself, and that the feoffees should make such an estate as he

should appoint them; and if he appointed none, then the use should go to the heir, as the estate itself of the land should have done; for the use was to the estate like a shadow following the body.

The inconveniences of putting land into use.

By this course of putting lands into use there were many inconveniences, as this use, which grew first for a reasonable cause, namely, to give men power and liberty to dispose of their own, was turned to deceive many of their just and reasonable rights; as namely, a man that had cause to sue for his land, knew not against whom to bring his action, nor who was owner of it. The wife was defrauded of her thirds; the husband of being tenant by courtesy; the lord of his wardship, relief, heriot, and escheat; the creditor of his extent for debt; the poor tenant of his lease; for these rights and duties were given by law from him that was owner of the land, and none other; which was now the feoffee of trust; and so the old owner, which we call the feoffer, should take the profits, and leave the power to dispose of the land at his discretion to the feoffee; and yet he was not such a tenant as to be seised of the land, so as his wife could have dower, or the lands be extended for his debts, or that he could forfeit it for felony or treason, or that his heir could be in ward for it, or any duty of tenure fall to the lord by his death, or that he could make any leases of it.

The frauds of conveyances to use, by degrees of time, as they increased, were remedied by the statutes.

Which frauds by degrees of time, as they increased, were remedied by divers statutes: as namely, by a statute of 1 H. VI. and 4 H. VIII. it was appointed that the action may be tried against him which taketh the profits, which was then *cestuy que use*; by a statute made 1 R. III. leases and estates made by *cestuy que use* are made good, and estates by him acknowledged. 4 H. VII. the heir of *cestuy que use* is to be in ward; 16 H. VIII. the lord is to have relief upon the death of any *cestuy que use*.

27 H. 8. taking away all uses, reduceth the law to the ancient form of conveyances of land, by feoffment, fine, and recovery.

Which frauds nevertheless multiplying daily, in the end, 27 H. VIII. the parliament, purposing to take away all those uses, and reducing the law to the ancient form of conveying of lands by public livery of seisin, fine, and recovery, did ordain, that where lands were put in trust or use, there the possession and estate should be presently carried out of the friends in trust, and settled and invested on him that had the uses, for such term and time as he had the use.

In what manner the stat. of 32 H. 8. giveth power to dispose of lands by will.

By the statute of 27 H. VIII. the power of disposing land by will is clearly taken away amongst those frauds; whereupon 32 H. VIII. another statute was made, to give men power to give lands by will in this sort. First, it must be by will in writing. Secondly, he must be seised of an estate in fee-simple; for tenant for another man's life, or tenant in tail, cannot give land by will; by that statute 32 H. VIII. he must be solely seised, and not jointly with another; and then being thus seised for all the land he holdeth in socage tenure, he may give it by will, except he hold any piece of land *in capite* by knight's service of the king; and then laying all together, he can give but two parts by will: for the third part of the whole, as well in socage as *in capite*, must descend to the heir, to answer wardship, livery, and primer seisin to the crown.

If a man be seised of capite lands and socage, he cannot devise but two parts of the whole. The third part must descend to the heir to answer wardship, livery, and seisin to the crown.

And so if he hold lands by knight's service of a subject, he can devise of the land but two parts, and the third the lord by wardship, and the heir by descent is to hold.

A conveyance by devise of *capite* lands to the wife for her jointure, &c. void for a third part, by 32 H. VIII.

And if a man that hath three acres of land holden *in capite* by knight's service, do make a jointure to his wife of one, and convey another to any of his children, or to friends, to take the profits, and to pay his debts, or legacies, or daughter's portions, then the third acre or any part thereof he cannot give by will, but must suffer it to descend to the heir, and that must satisfy wardship.

But a conveyance by act executed in the lifetime of the party of such lands to such uses is not void: but if the heir be within age, he shall have one third to be in ward. Entailed lands part of the thirds.

Yet a man having three acres as before, may convey all to his wife, or children, by conveyance in his life-time as by feoffment, fine, recovery, bargain and sale, or covenant to stand seised to uses, and disinherit the heir. But if the heir be within age when his father dieth, the king or other lord shall have that heir in ward, and shall have one of the three acres during the wardship, and to sue livery and seisin. But at full age the heir shall have no part of it, but it shall go according to the conveyance made by the father.

It hath been debated how the thirds shall be set forth. For it is the use, that all lands which the father leaveth to descend to the heir, being fee-simple, or in tail, must be part of the thirds: and if it be a full third, then the king, nor heir, nor lord, can intermeddle with the rest; if it be not a full third, yet they must take it so much as it is, and have a supply out of the rest.

The king nor lord cannot intermeddle if a full third part be left to descend to the heir.

The manner of making supply, when the part of the heir is not a full third.

This supply is to be taken thus: if it be the king's ward, then by a commission out of the court of wards, whereupon a jury by oath must set forth so much as shall make up the thirds, except the officers of the court of wards can otherwise agree with the parties. If there be no wardship due to the king, then the other lord is to have this supply by a commission out of the chancery, and jury thereupon.

The statutes give power to the testator to set out the third himself, &c.

But in all those cases, the statutes do give power to him that maketh the will to set forth and appoint of himself which lands shall go for thirds, and neither king nor lord can refuse it. And if it be not enough, yet they must take that in part, and only have a supply in manner as before is mentioned out of the rest.

Property in Goods.

Of the several ways whereby a man may get property in goods or chattels.

- I. By gift.
- II. By sale.
- III. By stealing.
- IV. By waving.
- V. By straying.
- VI. By shipwreck.
- VII. By forfeiture.
- VIII. By executorship.
- IX. By administration.
- X. By legacy.

I. Property by gift.

A deed of gift of goods to deceive his creditors is void against them, but good against the executors, administrators, or vendee of the party himself.

By gift, the property of goods may be passed by word or writing; but if there be a general deed of gift made of all his goods, this is suspicious to be done upon fraud, to deceive the creditors.

And if a man who is in debt make a deed of gift of all his goods to protect the taking of them in execution for his debt, this deed of gift is void, as against those to whom he stood indebted; but as against himself, his own executors or administrators, or any man to whom afterwards he shall sell or convey them, it is good.

II. By sale.

What is a sale *bona fide* and what not, where there is a private reservation of trust between the parties.

Property in goods by sale. By sale, any man may convey his own goods to another; and although he may fear execution for debts, yet he may sell them outright for money at any time before the execution served; so that there be no reservation of trust between them, that, repaying the money, he shall have the goods again; for that trust, in such case, doth prove plainly a fraud, to prevent the creditors from taking the goods in execution.

III. By theft, or taking in jest.

How a sale in market shall be a bar to the owner.

Property of goods by theft, or taking in jest. If any man steal my goods or chattels, or take them from me in jest, or borrow them of me, or as a trespasser or felon carry them to the market or fair, and sell them, this sale doth bar me of the property of my goods, saving that if he be a horse he must be ridden two hours in the market or fair, between ten and five o'clock, and tolled for in the toll-book, and the seller must bring one to avouch his sale, known to the toll-book-keeper; or else the sale bindeth me not. And for any other goods, where the sale in a market or fair shall bar the owner, being not the seller of his property, it must be sale in a market or fair where usually things of that nature are sold. As for example; if a man steal a horse, and sell him in Smithfield, the true owner is barred by this sale; but if he sell the horse in Cheapside, Newgate, or Westminster market, the true owner is not barred by this sale; because these markets are usual for flesh, fish, &c. and not for horses.

Of markets, and what market such a sale ought to be made in.

So whereas by the custom of London in every shop there is a market all the days of the week, saving Sundays and holidays; yet if a piece of plate or jewel that is lost, or chain or gold or pearl that is stolen or borrowed, be sold in a draper's or scrivener's shop, or any other but a goldsmith's, this sale barreth not the true owner, *et sic in similibus.*

The owner may seize his goods after they are stolen.

Yet by stealing alone of goods, the thief getteth not such property, but that the owner may seize them again wheresoever he findeth them, except they were sold in fair or market, after they were stolen, and that *bona fide* without fraud.

If the thief be condemned for felony, or outlawed, or forfeit the stolen goods to the crown, the owner is without remedy.

But if the thief be condemned of the felony, or outlawed for the same, or outlawed in any personal action, or have committed a forfeiture of goods to the crown, then the true owner is without remedy.

When the owner may take his goods from the thief. If he convict the thief of the same felony, he shall have his goods again by a writ of restitution.

Nevertheless, if fresh after the goods were stolen, the true owner maketh pursuit after the thief and goods, and taketh the goods with the thief, he may take them again: and if he make no fresh pursuit, yet if he prosecute the felon, so far as justice requireth, that is, to have him arraigned, indicted, and found guilty, though he be not hanged, nor have judgment of death, or have him outlawed upon the indictment; in all these cases he shall have his goods again, by a writ of restitution to the party in whose hands they are.

IV. By waving of goods.

By waving of goods, a property is gotten thus. A thief having stolen goods, being pursued, flieth away and leaveth the goods. This leaving is called waving, and the property is in the king; except the lord of the manor have right to it, by custom or charter.

But if the felon be indicted, adjudged, or found guilty, or outlawed, at the suit of the owner of these goods, he shall have restitution of these goods, as before.

V. By straying.

By straying, property in live cattle is thus gotten. When they come into other men's grounds straying from the owners, then the party or lord into whose grounds or manors they come, causeth them to be seized, and a wythe put about their necks, and to be cried in three markets adjoining, showing the marks of the cattle; which done, if the true owner claimeth them not within a year and a day, then the property of them is in the lord of the manor whereunto they did stray, if he have all strays by custom or charter, else to the king.

VI. Wreck, and when it shall be said to be.

By shipwreck, property of goods is thus gotten. When a ship loaden is cast away upon the coasts, so that no living creature that was in it when it

began to sink escaped to land with life, then all those goods are said to be wrecked, and they belong to the crown if they be found; except the lord of the soil adjoining can entitle himself unto them by custom, or by the king's charter.

VII. Forfeitures.

By forfeitures, goods and chattels are thus gotten. If the owner be outlawed, if he be indicted of felony, or treason, or either confess it, or be found guilty of it, or refuse to be tried by peers or jury, or be attainted by judgment, or fly for felony, although he be not guilty or suffer the exigent to go forth against him, although he be not outlawed, or that he go over the seas without licence, all the goods he had at the judgment, he forfeiteth to the crown; except some lord by charter can claim them. For in those cases prescription will not serve, except it be so ancient, that it hath had allowance before the justices in eyre in their circuits, or in the king's bench in ancient time.

VIII. By executorship.

By executorship goods are thus gotten. When a man possessed of goods maketh his last will and testament in writing or by word, and maketh one or more executors thereof; these executors have, by the will and death of the parties, all the property of their goods, chattels, leases for years, wardships and extents, and all right concerning those things.

Executors may before probat dispose of the goods, but not bring an action for any debt.

Those executors may meddle with the goods, and dispose of them before they prove the will, but they cannot bring an action for any debt or duty before they have proved the will.

What probat of the will is, and in what manner it is made.

The proving of the will is thus. They are to exhibit the will into the bishop's court, and there they are to bring the witnesses, and there they are to be sworn, and the bishop's officers are to keep the will original, and certify the copy thereof in parchment under the bishop's seal of office; which parchment so sealed, is called the will proved.

IX. By letters of administration.

By letters of administration property in goods is thus gotten. When a man possessed of goods dieth without any will, there such goods as the executors should have had, if he had made a will, were by ancient law to come to the bishop of the diocess, to dispose for the good of his soul that died, he first paying his funeral and debts, and giving the rest *ad pios usus*.

Pii usus.

This is now altered by statute laws, so as the bishops are to grant letters of administration of the goods at this day to the wife if she requireth it, or children, or next of kin; if they refuse it, as often they do, because the debts are greater than the estate will bear, then some creditor or some other will take it as the bishop's officers shall think meet. It groweth often in question what bishop shall have the right of proving wills, and granting administration of goods.

In * which controversy the rule is thus, that if the party dead had at the time of his death *bona notabilia* in diverse diocesses of some reasonable value, then the archbishop of the province where he died is to have the probat of his will, or to grant the administration of his goods, as the case falleth out: otherwise the bishop of the diocess where he died is to do it.

bona notabilia in diverse diocesses, then the archbishop of that province where he died is to commit the administration.

* Where the intestate had

If there be but one executor made, yet he may refuse the executorship, coming before the bishop, so that he hath not intermeddled with any of the goods before, or with receiving debts, or paying legacies.

Executor may refuse before the bishop, if he have not intermeddled with the goods.

And if there be more executors than one, so many as list may refuse; and if any one take it upon him, the rest that did once refuse may, when they will, take it upon them; and no executor shall be farther charged with debts or legacies, than the value of the goods come to his hands; so that he foresee that he pay debts upon record, first debts to the king, then upon judgments, statutes, recognisances, then debts by bond and bill sealed, rent unpaid, servants' wages, payment to head workmen, and lastly, shop-books and contracts by word. For if an executor or administrator pay debts to others before debts to the king, or debts due by bond before those due by record, or debts by shop-books and contracts before those by bond, arrearages of rent, and servants' or workmen's wages, he shall pay the same over again to those others in the said degrees.

Executor ought to pay, 1. Judgments. 2. Stat. Recogn. 3. Debts by bonds and bills sealed. 4. Rent unpaid. 5. Servants' wages. 6. Head workmen. 7. Shop-books and contracts by words.

But yet the law giveth them choice, that where divers have debts due in equal degree of record or speciality, he may pay which of them he will, before any suit brought against him; but if suit be brought he must first pay them that get judgment against him.

Debts due in equal degree of record, the executor may pay which of them he please before suit commenced.

Any one executor may convey the goods, or release debts without his companion, and any one by himself may do as much as all together; but one man's releasing of debts or selling of goods, shall not charge the other to pay so much of the goods, if there be not enough to pay debts; but it shall charge the party himself that did so release or convey.

Any one executor may do as much as all together: but if a debt be released and assets wanting, he only shall be charged. Otherwise of administrators.

But it is not so with administrators, for they have but one authority given them by the bishop over the goods, which authority being given to many is to be executed by all of them joined together.

And if an executor die making an executor, the second executor is executor to the first testator.

Executor dieth making his executor, the second executor shall be executor to the first testator. But otherwise, if the administrator die making his executor, or if administration be committed of his goods.

But if an administrator die intestate, then his administrator shall not be executor or administrator to the first: but in that case the bishop, whom we call the ordinary, is to commit the administration of the first testator's goods to his wife or next of kin, as if he had died intestate; always provided, that

that which the executor did in his life-time, is to be allowed for good. And so if an administrator die and make his executor, the executor of the administrator shall not be executor to the first intestate; but the ordinary must new commit the administration of the goods of the first intestate again.

In both cases the ordinary shall commit administration of the goods of the first intestate.

If the executor or administrator pay debts, or funerals, or legacies of his own money, he may retain so much of the goods in kind, of the testator, or intestate, and shall have property of it in kind.

Executors or administrators may retain.

X. Property by legacy.

Property by legacy, is where a man maketh a will and executors, and giveth legacies, he or they to whom the legacies are given must have the assent of the executors, or one of them, to have his legacy; and the property of that legacy or other goods bequeathed unto him, is said to be in him; but he may not enter nor take his legacy without the assent of the executors, or one of them; because the executors are charged to pay debts before legacies. And if one of them assent to pay legacies, he shall pay the value thereof of his own purse, if there be not otherwise sufficient to pay debts.

Executors or administrators may retain; because the executors are charged to pay some debts before legacies.

But this is to be understood by debts of record to the king, or by bill and bond sealed, or arrearages of rent, or servants' or workmen's wages; and not debts of shop-books, or bills unsealed, or contract by word; for before them legacies are to be paid.

Legacies are to be paid before debts by shop-books, bills unsealed, or contracts by word.

And if the executors doubt that they shall not have enough to pay every legacy, they may pay which they list first; but they may not sell any special legacy which they will to pay debts, or a lease of goods to pay a money legacy. But they may sell any legacy which they will to pay debts, if they have not enough besides.

Executor may pay which legacy he will first. If the executors do want, they may sell any legacy to pay debts.

If a man make a will and make no executors, or if the executors refuse, the ordinary is to commit administration, *cum testamento annexo*, and take bonds of the administrators to perform the will, and he is to do it in such sort, as the executor should have done, if he had been named.

When a will is made and no executor named, administration is to be committed cum testamento annexo.

AN

ACCOUNT OF THE LATELY ERECTED SERVICE,

CALLED, THE OFFICE OF

COMPOSITIONS FOR ALIENATIONS.

WRITTEN [ABOUT THE CLOSE OF 1598] BY MR. FRANCIS BACON.

AND PUBLISHED FROM A MS. IN THE INNER-TEMPLE LIBRARY.

The sundry sorts of the royal revenue.

All the finances or revenues of the imperial crown of this realm of England, be either extraordinary or ordinary.

Those extraordinary, be fifteenths and tenths, subsidies, loans, benevolences, aids, and such others of that kind, that have been or shall be invented for supportation of the charges of war; the which as it is entertained by diet, so can it not be long maintained by the ordinary fiscal and receipt.

Of these that be ordinary, some are certain and standing, as the yearly rents of the demesne or lands; being either of the ancient possessions of the crown, or of the later augmentations of the same.

Likewise the fee-farms reserved upon charters granted to cities and towns corporate, and the blanch rents and lath silver answered by the sheriffs. The residue of these ordinary finances be casual, or uncertain, as be the escheats and forfeitures, the customs, butlerage, and impost, the advantages coming by the jurisdiction of the courts of record and clerks of the market, the temporalities of vacant bishoprics, the profits that grow by the tenures of lands, and such like, if there any be.

And albeit that both the one sort and other of these be at the last brought unto that office of her Majesty's exchequer, which we, by a metaphor, do call the pipe, as the civilians do by a like translation name it *Viscus*, a basket or bag, because the whole receipt is finally conveyed into it by the means of divers small pipes or quills, as it were water into a great head or cistern; yet nevertheless some of the same be first and immediately left in other several places and courts, from whence they are afterwards carried by silver

The pipe

streams, to make up that great lake, or sea, of money.

As for example, the profits of wards and their lands be answered into that court which is proper for them; and the fines for all original writs, and for causes that pass the great seal, were wont to be immediately paid into the hanaper of the chancery: howbeit now of late years, all the sums which are due, either for any writ of covenant, or of other sort, whereupon a final concord is to be levied in the common bench, or for any writ of entry, whereupon a common recovery is to be suffered there; as also all sums demandable, either for licence of alineation to be made of lands holden in chief, or for the pardon of any such alienation, already made without licence, together with the mean profits that be forfeited for that offence and trespass, have been stayed in the way to the hanaper, and been let to farm, upon assurance of three hundred pound of yearly standing profit, to be increased over and above that casual commodity, that was found to be answered in the hanaper for them, in the ten years, one with another, next before the making of the same lease.

The hanaper.

This office is derived out of the hanaper.

And yet so as that yearly rent of increase is now still paid into the hanaper by four gross portions, not altogether equal, in the four usual open terms of St. Michael, and St. Hilary, of Easter, and the Holy Trinity, even as the former casualty itself was wont to be, in parcel meal, brought in and answered there.

And now forasmuch as the only matter and subject about which this farmer or his deputies are employed, is to rate or compound the sums of money payable to her Majesty, for the alienation of lands that are either made without licence, or to be made by licence, if they be holden in chief, or to pass for common recovery, or by final concord to be levied, though they be not so holden, their service may therefore very aptly and agreeably be termed the office of compositions for alienations. Whether the advancement of her Majesty's commodity in this part of her prerogative, or the respect of private lucre, or both, were the first motives thus to dissever this member, and thereby as it were to mayhem the chancery, it is neither my part nor purpose to dispute.

The name of the office.

But for a full institution of the service as it now standeth, howsoever some men have not spared to speak hardly thereof, I hold worthy my labour to set down as followeth.

The scope of the discourse, and the parts thereof.

First, that these fines, exacted for such alienations, be not only of the greatest antiquity, but are also good and reasonable in themselves: secondly, that the modern and present exercise of this office, is more commendable than was the former usage: and lastly, that as her Majesty hath received great profit thereby, so may she, by a moderate hand, from time to time reap the like, and that without just grief to any of her subjects.

As the lands that are to be aliened, be either immediately holden in chief, or not so holden of the queen: so be these fines or sums respectively of two sundry sorts. For upon each alienation of lands, immediately held of her Majesty in chief, the fine is rated here, either upon the licence, before the alienation is made, or else upon the pardon when it is made without licence. But generally for every final concord of lands to be levied upon a writ of covenant, *warrantia chartæ*, or other writ, upon which it may be orderly levied, the sum is rated here upon the original writ, whether the lands be held of the queen, or of any other person; if at the least the lands be of such value, as they may yield the due fine. And likewise for every writ of entry, whereupon a common recovery is to be suffered, the queen's fine is to be rated there upon the writ original, if the lands comprised therein be held of her by the tenure of her prerogative, that is to say, in chief, or of her royal person.

The first part of this treatise.

So that I am hereby enforced, for avoiding of confusion, to speak severally, first of the fines for alienation of lands held in chief, and then of the fines upon the suing forth of writs original. That the king's tenant in chief could not in ancient time alien his tenancy without the king's licence, it appeareth by the statute, 1 E. III. cap. 12, where it is thus written: "Whereas divers do complain, that the lands, holden of the king in chief, and aliened without licence, have been seized into the king's hands for such alienation, and holden as forfeit: the king shall not hold them as forfeit in such a case, but granteth that, upon such alienations, there shall be reasonable fines taken in the chancery by due process."

The king's tenant in chief could never alien without licence.

1 E. 3. c. 12.

So that it is hereby proved, that before this statute, the offence of such alienation, without licence, was taken to be so great, that the tenant did forfeit the land thereby; and consequently that he found great favour there by this statute, to be reasonably fined for his trespass.

And although we read an opinion 20 lib. Assis. parl. 17 et 26, Ass. parl. 37, which also is repeated by Hankf. 14 H. 4, fol. 3. in which year Magna Charta was confirmed by him, the king's tenant in chief might as freely alien his lands without licence, as might the tenant of any other lord: yet forasmuch as it appeareth not by what statute the law was then changed, I had rather believe, with old judge Thorpe and late justice Stanford, that even at the common law, which is as much as to say, as from the beginning of our tenures, or from the beginning of the English monarchy, it was accounted an offence in the king's tenant in chief, to alien without the royal and express licence.

And I am sure, that not only upon the entering, or recording, of such a fine for alienation, it is wont to be said "pro transgressione in hac parte facta:" but that you may also read amongst the records in the Tower, Fines 6 Hen. Reg. 3, Memb. 4, a precedent of a "capias in manum regis terras alienatas sine licentia regis," and that namely of the manor of Coselescombe in Kent, whereof Robert Cesterton was then the king's tenant in chief. But were it

that, as they say, this began first 20 Hen. III. yet it is above three hundred and sixty years old, and of equal if not more antiquity than Magna Charta itself, and the rest of our most ancient laws; the which never found assurance by parliament, until the time of King Edw. I. who may be therefore worthily called our English Solon or Lycurgus.

The fine for alienation is moderate.

Now therefore to proceed to the reason and equity of exacting these fines for such alienations, it standeth thus: when the king, whom our law understandeth to have been at the first both the snpreme lord of all the persons, and sole owner of all the lands within his dominions, did give lands to any subject to hold them of himself, as of his crown and royal diadem, he vouchsafed that favour upon a chosen and selected man, not minding that any other should, without his privity and good liking, be made owner of the same. And therefore his gift has this secret intention enclosed within it, that if his tenant and patentee shall dispose of the same without his kingly assent first obtained, the lands shall revert to the king, or to his successors, that first gave them: and that also was the very cause, as I take it, why they were anciently seised into the king's hands as forfeited by such alienation, until the making of the said statute, 1 Edw. III. which did qualify that rigour of the former law.

Neither ought this to seem strange in the case of the king, when every common subject, being lord of lands which another holdeth of him, ought not only to have notice given unto him upon every alienation of his tenant, but shall, by the like implied intention, re-have the lands of his tenants dying without heirs, though they were given out never so many years agone, and have passed through the hands of howsoever many and strange possessors.

Not without good warrant, therefore, said Mr. Fitzherbert in his Nat. Brev. fol. 147, that the justices ought not wittingly to suffer any fine to be levied of lands holden in chief, without the king's licence. And as this reason is good and forcible, so is the equity and moderation of the fine itself most open and apparent; for how easy a thing is it to redeem a forfeiture of the whole lands for ever with the profits of one year, by the purchase of a pardon? Or otherwise, how tolerable is it to prevent the charge of that pardon, with the only cost of a third part thereof, timely and beforehand bestowed upon a licence?

The antiquity and moderation of fines upon writs original.

Touching the king's fines accustomably paid for the purchasing of writs original, I find no certain beginning of them, and do therefore think that they also grew up with the chancery, which is the shop wherein they be forged; or, if you will, with the first ordinary jurisdiction and delivery of justice itself.

For when as the king had erected his courts of ordinary resort, for the help of his subjects in suit one against another, and was at the charge not only to wage justices and their ministers, but also to appoint places and officers for safe custody of the records that concerned not himself: by which means each man might boldly both crave and have law for the present, and find memorials also to maintain his right and recovery, for ever after, to the singular benefit of himself and all his posterity it was consonant to good reason, that the benefited subject should render some small portion of his gain as well towards the maintenance of this his own so great commodity, as for the supportation of the king's expense, and the reward of the labour of them that were wholly employed for his profit.

And therefore it was well said by Littleton, 34 H. VI. fol. 38, that the chancellor of England is not bound to make writs without his due fee for the writing and seal of them. And that, in this part also, you may have assurance of good antiquity, it is extant among the records in the Tower, 2 H. III. Memb, 9, that Simon Hales and others gave unto him their king "unum palfredum pro summonendo Richardo filio et haerede Willielmi de Hanred, quod teneat finem factum coram justiciariis apud Northampton inter dictum Willielmum et patrem dicti Arnoldi de feodo in Barton." And besides that, *in oblatis de Ann.* 1, 2, *et* 7, *regis Johannis*, fines were diversely paid to the king, upon the purchase writs of mort d'auncestor, dower, pone, to remove pleas, for inquisitions, trial by juries, writs of sundry summons, and other more.

Litt. 34 H. 6. fol. 38.

Hereof then it is, that upon every writ procured for debt or damage, amounting to forty pounds or more, a noble, that is, six shillings and eight pence, is, and usually hath been paid to fine; and so for every hundred marks more a noble; and likewise upon every writ called a *praecipe* of lands, exceeding the yearly value of forty shillings, a noble is given to a fine; and for every other five marks by year, moreover another noble, as it is set forth 20 Rich. II. abridged both by justice Fitzherbert, and justice Brooke; and may also appear in the old "Natura Brevium," and the Register, which have a proper writ of deceipt, formed upon the case, where a man did, in the name of another, purchase such a writ in the chancery without his knowledge and consent.

20 Rich. II.

And herein the writ of right is excepted and passeth freely; not for fear of the words in Magna Charta, "Nulli vendemus justitiam vel rectum," as some do phantasy, but rather because it is rarely brought; and then also bought dearly enough without such a fine, for that the trial may be by battle to the great hazard of the champion.

The like exemption hath the writ to inquire of a man's death, which also, by the twenty-sixth chapter of that Magna Charta, must be granted freely, and without giving any thing for it; which last I do rather note, because it may be well gathered thereby, that even then all those other writs did lawfully answer their due fines: for otherwise the like prohibition would have been published against them, as was in this case of the inquisition itself.

I see no need to maintain the mediocrity and easiness of this last sort of fine, which in lands exceedeth not the tenth part of one year's value, and in goods the two hundredth part of the thing that is demanded by the writ.

Right, or ne word of e like rport, seems be omitted re.

Neither has this office of ours * originally to meddle with the fines of any other original writs, than of such only as whereupon a fine or concord may be had and levied; which is commonly the rit of covenant, and rarely any other. For we al not with the fine of the writ of entry of lands olden in chief, as due upon the original writ itself; it only as payable in the nature of a licence for e alienation, for which the third part of the yearly nt is answered; as the statute 32 H. VIII. cap. 1. ath specified, giving the direction for it; albeit w lately the writs of entry be made parcel of the treel ferm also; and therefore I will here close up e first part, and unfold the second.

he second art of this reatise.

Before the institution of this ferm and office, no writ of covenant for the levying any final concord, no writ of ntry for the suffering of any common recovery of nds holden in chief, no doquet for licence to alien, r warrant for pardon of alienation made, could be rchased and gotten without an oath called an affidavit, therein first taken either before some justice of assize, or master of the chancery, for the true discovery of the early value of the lands comprised in every of the ame; in which doing if a man shall consider on e one side the care and severity of the law, that ould not be satisfied without an oath; and on the her side the assurance of the truth to be had by religious an affirmation as an oath is, he will asily believe that nothing could be added unto that rder, either for the ready despatch of the subject, for the uttermost advancement of the king's profit. ut "quid verba audiam, cum facta videam?" Much eril to the swearer, and little good to our sovereign ath ensued thereof. For on the one side the justices of assize were many times abused by their lerks, that preferred the recognitions of final concords taken in their circuit: and the masters of the hancery were often overtaken by the fraud of solicitors and attorneys, that followed their clients' ruses here at Westminster; and on the other side, ght and lewd persons, especially, that the exactor f the oath did neither use exhortation, nor examining of them for taking thereof, were as easily suborned to make an affidavit for money, as post-horses and ackneys are taken to hire in Canterbury and Dover ay: insomuch that it was usual for him that dwelt Southwark, Shoreditch, or Tothil-Street, to deame the yearly rent or valuation of lands lying in e north, the west, or other remote part of the realm, here either he never was at all, or whence he ame so young, that little could he tell what the atter meaned: And thus "consuetudinem peccandi rcit multitudo peccantium." For the removing of hich corruption, and of some others whereof I ave long since particularly heard, it was thought ood that the justice of assize should be entreated have a more vigilant eye upon their clerks' writing: and that one special master of the chancery hould be appointed to reside in this office, and to ake the oaths concerning the matters that come ither: who might not only reject such as for just

All fines upon oath.

causes were unmeet to be sworn, but might also instruct and admonish in the weight of an oath, those others that are fit to pass and perform it: and forasmuch as thereby it must needs fall out very often, that either there was no man ready and at hand that could with knowledge and good conscience undertake the oath, or else, that such honest persons as were present, and did right well know the yearly value of the lands, would rather choose and agree to pay a reasonable fine without any oath, than to adventure the uttermost, which, by the taking of their oath, must come to light and discovery: It was also provided, that the fermour, and the deputies, should have power to treat, compound, and agree with such, and so not exact any oath at all of them.

How much this sort of finance hath been increased by this new device, I will reserve, as I have already plotted it, for the last part of this discourse: but in the mean while I am to note first, that the fear of common perjury, growing by a daily and over-usual acquaintance with an oath, by little and little raseth out that most reverend and religious opinion thereof, which ought to be planted in our hearts, is hereby for a great part cut off and clean removed: then that the subject yieldeth little or nothing more now than he did before, considering that the money, which was wont to be saved by the former corrupt swearing, was not saved unto him, but lost to her Majesty and him, and found only in the purse of the clerk, attorney, solicitor, or other follower of the suit: and lastly, that the client, besides the benefit of retaining a good conscience in the passage of this his business, hath also this good assurance, that he is always a gainer, and by no means can be at any loss, as seeing well enough, that if the composition be over-hard and heavy for him, he may then, at his pleasure, relieve himself by recourse to his oath; which also is no more than the ancient law and custom of the realm hath required at his hands. And the self-same thing is moreover, that I may shortly deliver it by the way, not only a singular comfort of the executioners of this office, a pleasant seasoning of all the sour of their labour and pains, when they shall consider that they cannot be guilty of the doing of any oppression or wrong; but it is also a most necessary instruction and document for them, that even as her Majesty hath made them dispensators of this her royal favour towards her people, so it behoveth them to show themselves *peregrinatores*, even and equal distributers of the same; and, as that most honourable lord and reverend sage counsellor, the * late lord Burleigh, late lord treasurer, said to myself, to deal it out with wisdom and good dexterity towards all the sorts of her loving subjects.

* This passage ascertains the date of this writing.

The part of each officer.

But now that it may yet more particularly appear what is the sum of this new building, and by what joints and sinews the same is raised and knit together, I must let you know, that besides the fermours deputies, which at this day be three in number, and besides the doctor of whom I spake, there is also a receiver, who alone

handleth the moneys, and three clerks, that be employed severally, as anon you shall perceive; and by these persons the whole proceeding in this charge is thus performed.

Proceeding upon fines.

If the recognition or acknowledgment of a final concord upon any writ of covenant finable, for so we call that which containeth lands above the yearly value of forty shillings, and all others we term unfinable, be taken by justice of assize, or by the chief justice of the common pleas, and the yearly value of those lands be also declared by affidavit made before the same justice; then is the recognition and value, signed with the hand-writing of that justice, carried by the cursitor in chancery for that shire where those lands do lie, and by him is a writ of covenant thereupon drawn and engrossed in parchment; which, having the same value indorsed on the backside thereof, is brought, together with the said paper that doth warrant it, into this office: and there first the doctor, conferring together the paper and writ, indorseth his name upon that writ, close underneath the value thereof: then forasmuch as the valuation thereof is already made, that writ is delivered to the receiver, who taketh the sum of money that is due, after the rate of that yearly value, and indorseth the payment thereof upon the same writ accordingly: this done, the same writ is brought to the second clerk, who entereth it into a several book, kept only for final writs of covenant, together with the yearly value, and the rate of the money paid, with the name of the party that made the affidavit, and of the justice that took it; and at the foot of that writ maketh a secret mark of his said entry; lastly, that writ is delivered to the deputies, who seeing that all the premises be orderly performed, do also indorse their own names upon the same writ for testimony of the money received. Thus passeth it from this office to the *custos brevium*, from him to the queen's silver, then to the chirographer to be engrossed, and so to be proclaimed in the court. But if no affidavit be already made touching the value, then is the writ of covenant brought first to the deputies ready drawn and engrossed: and then is the value made either by composition had with them without any oath, or else by oath taken before the doctor; if by composition, then one of the deputies setteth down the yearly value, so agreed upon, at the foot of the backside of the writ; which value the doctor causeth one of the clerks to write on the top of the backside of the writ, as the cursitor did in the former, and after that the doctor indorseth his own name underneath it, and so passeth it through the hands of the receiver, of the clerk that maketh the entry, and of the deputies, as the former writ did. But if the valuation be made by oath taken before the doctor, then causeth he the clerk to indorse that value accordingly, and then also subscribeth he his name as before; and so the writ taketh the same course through the office that the others had.

Proceeding upon writs of entry.

And this is the order for writs of covenant that be finable: the like whereof was at the first observed, in passing of writs of entry of lands holden in chief: saving that they be entered into another book, especially appointed for them and for licences and pardons of alienations; and the like is now severally done with the writs of entry of lands not so holden: which writs of covenant or entry not finable, thus it is done: an affidavit is made either before some such justice, or before the said doctor, that the lands, comprised in the writ, be not worth above forty shillings by the year, to be taken. And albeit now here can be no composition, since the queen is to have no fine at all for unfinable writs, yet doth the doctor indorse his name, and cause the youngest, or third clerk, both to make entry of the writ into a third book, purposely kept for those only writs, and also to indorse it thus, "finis nullus:" That done, it receiveth the names of the deputies, indorsed as before, and so passeth hence to the *custos brevium* as the rest. Upon every doquet for licence of alienation, or warrant for pardon of alienation, the party is likewise at liberty either to compound with the deputies, or to make affidavit touching the yearly value; which being known once and set down, the doctor describeth his name, the receiver taketh the money after the due rate and proportion; the second clerk entereth the doquet or warrant into the book that is proper for them, and for the writs of entry, with a notice also, whether it passeth by oath or by composition: then do the deputies sign it with their hands, and so it is conveyed to the deputy of Mr. Bacon, clerk of the licences, whose charge it is to procure the land of the lord chancellor, and consequently the great seal for every such licence or pardon.

Proceeding upon forfeiture of mean profits.

There yet remaineth untouched, the order that is for the mean profits; for also there is an agreement made here when it is discovered that any alienation hath been made of lands holden in chief, without the queen's licence; and albeit that in the other cases, one whole year's profit be commonly payable upon such a pardon, yet where the alienation is made by devise in a last will only, the third part of these profits is there demandable, by special provision thereof made in the statute 34 H. VIII. c. 5. but yet every way the yearly profits of the lands so aliened without licence, and lost even from the time of the writ of *scire facias*, or inquisition thereupon returned into the exchequer, until the time that the party shall come hither to sue forth his charter of pardon for that offence.

34 H. VIII. c. 5.

In which part the subject hath in time gained double ease of two weighty burdens, that in former ages did grievously press him: the one before the institution of this office, and the other sithence: for in ancient time, and of right, as it is judged 46 E. III. Fitzh. forfait 18, the mean profits were precisely answered after the rate and proportion *per diem*, even from the time of the alienation made. Again, whereas before the receipt of them in this office, they were assessed by the affidavit from the time of the inquisition found, or *scire facias* returned now not so much at any time as the one half, and many times not the sixth part of them is answered. Here therefore, above the rest, is great necessity to

show favour and merciful dealing: because it many times happeneth, that either through the remote dwelling of the party from the lands, or by the negligence or evil practice of under-sheriffs and their bailiffs, the owner hath incurred the forfeiture of eight or ten years' whole profits of his lands, before he cometh to the knowledge of the process that runneth against him: other times an alienation made without licence is discovered when the present owner of the lands is altogether ignorant that his lands be holden in chief at all: other times also some man concludeth himself to have such a tenure by his own suing forth of a special writ of livery, or by causeless procuring a licence, or pardon, for his alienation, when in truth the lands be not either holden at all of her Majesty, or not holden in chief, but by a mean tenure in socage, or by knight's service at the most. In which cases, and the like, if the extremity should be rigorously urged and taken, especially where the years be many, the party should be driven to his utter overthrow, to make half a purchase, or more, of his own proper land and living.

The chief clerk.

About the discovery of the tenure in chief, following of process for such alienation made, as also about the calling upon sheriffs for their accounts, and the bringing in of the parties by seisure of their lands, therefore the first and principal clerk in this office, of whom I had not before any cause to speak, is chiefly and in a manner wholly occupied and set on work.

The discharge of him that holdeth not in chief when he is sued erroneously.

Now if it do at any time happen, as, notwithstanding the best endeavour, it may and doth happen, that the process, howsoever colourably awarded, hath not hit the very mark whereat it was directed, but haply calleth upon some man who is not of right to be charged with the tenure in chief, that is objected against; then is he, upon oath and other good evidence, to receive his discharge under the hands of the deputies, but with a *quousque*, and with *salvo jure dominæ*. Usage and deceivable manner of awarding process cannot be avoided, especially where a man, having in some one place both lands holden in chief, and other lands not so holden, alieneth the lands not holden: seeing that it cannot appear by record nor otherwise, without the express declaration and evidences of the party himself, whether they be the same lands that be holden, or others. And therefore albeit the party grieved thereby may have some reason to complain of an untrue charge, yet may he not well call it an unjust vexation; but ought rather to look upon that ease, which in this kind of proceeding he hath found, where, besides his labour, he is not to expend above two and twenty shillings in the whole charge, in comparison of that toil, cost, and care, which he in the case was wont to sustain by the writ of *certiorari* in the exchequer; wherein besides all his labour, it did cost him fifty shillings at the least, and sometimes twice so much, before he could find the means to be delivered.

Policy for avoiding corruption.

Thus have I run through the whole order of this practice, in the open time of the term; and that the more particularly and at full, to the end that thereby these things ensuing, might the more fully appear, and plainly bewray themselves: first, that this present manner of exercising of this office hath so many testimonies, interchangeable warrants, and counterrolments, whereof each, running through the hands and resting in the power of so many several persons, is sufficient to argue and convince all manner of falsehood; so as with a general conspiracy of all those offices together, it is almost impossible to contrive any deceit therein: a right ancient and sound policy, whereupon both the order of the accounts in the exchequer, and of the affairs of her Majesty's own household, are so grounded and built, that the infection of an evil mind in some one or twain cannot do any great harm, unless the rest of the company be also poisoned by their contagion. And surely, as Cicero said, "Nullum est tam desperatum collegium, in quo non unus e multis sit sana mente præditus." Secondly, that here is great use both of discretion, learning, and integrity: of discretion, I say, for examining the degrees of favour, which ought to be imparted diversly, and for discerning the valuations of lands, not in one place or shire, but in each county and corner of the realm; and that not of one sort or quality, but of every kind, nature, and degree: for a taste whereof, and to the end that all due quality of rates be not suddenly charged with infidelity, and condemned for corruption; it is noteworthy, that favour is here sometimes right worthily bestowed, not only in a general regard of the person, by which every man ought to have a good pennyworth of his own, but more especially also and with much distinction: for a peer of the realm, a counsellor of state, a judge of the land, an officer that laboureth in furtherance of the tenure, or a poor person, are not, as I think, to be measured by the common yard, but by the pole of special grace and dispensation. Such as served in the wars have been permitted, by many statutes, to alien their lands of this nature, without suing out of any licence. All those of the chancery have claimed and taken the privilege to pass their writs without fine; and yet therefore do still look to be easily fined: yea the favourites in court, and as many as serve the queen in ordinary, take it unkindly if they have not more than market measure.

Inequality of rates justifiable.

The person.

Again, the consideration of the place or county where the lands do lie, may justly cause the rate or valuation to be the more or less; for as the writs do commonly report the land by numbers of acres, and as it is allowable, for the eschewing of some dangers, that those numbers do exceed the very content and true quantity of the lands themselves; so in some counties they are not much acquainted with admeasurement by acre: and thereby, for the most part, the writs of those shires and counties do contain twice or thrice so many acres more than the land hath. In some places the lands do lie open in common fields, and be not so valuable as if they were enclosed: and not only in one and the same shire, but also within the selfsame lordship, parish, or hamlet, lands have their

The place.

divers degrees of value, through the diversity of their fertility or barrenness: wherein how great odds and variety there is, he shall soonest find, that will examine it by his own skill in whatsoever place that he knoweth best.

Moreover, some lands be more chargeable than others are, respecting either the tenure, as knight's service, and the tenure in chief, or in regard of defence against the sea and great rivers; as for their lying near to the borders of the realm, or because of great and continual purveyances that are made upon them, or such like.

And in some counties, as namely westward, their yearly rents, by which most commonly their value to her Majesty is accounted, are not to this day improved at all, the landlords making no less gain by fines and incomes, than there is raised in other places by enhancement of rents.

The manner of the assurance.

The manner and sorts of the conveyance of the land itself is likewise variable, and therefore deserveth a diverse consideration and value: for in a pardon one whole year's value, together with the mean rates thereof, is due to be paid; which ought therefore to be more favourably assessed, than where but a third part of one year's rent, as in a licence or writ of entry, or where only a tenth part, as in a writ of covenant, is to be demanded.

A licence also and a pardon are to pass the charges of the great seal, to the which the bargain and sale, the fine and recovery are not subject. Sometimes upon one only alienation and change, the purchaser is to pass both licence, fine, and recovery, and is for this multiplicity of payments more to be favoured, than he which bringeth but one single pay for all his assurance.

Moreover, it is very often seen that the same land suffereth sundry transmutations of owners within one term, or other small compass of time; by which return much profit cometh to her Majesty, though the party feel of some favour in that doing.

The end of conveyances.

Neither is it of small moment in this part, to behold to what end the conveyances of land be delivered: seeing that sometimes it is only to establish the lands in the hands of the owner and his posterity, without any alienation and change of possession to be made: sometimes a fine is levied only to make good a lease for years, or to pass an estate for life, upon which no yearly rent is reserved; or to grant a reversion, or remainder, expectant upon a lease, or estate, that yieldeth no rent. Sometimes the land is given in mortgage only, with full intention to be redeemed within one year, six months, or a lesser time. Many assurances do also pass to godly and charitable uses alone; and it happeneth not seldom, that, to avoid the yearly oath, for averment of the continuance of some estate for life, which is eigne, and not subject to forfeiture, for the alienation that cometh after it, the party will offer to sue a pardon uncompelled before the time; in all which some mitigation of the uttermost value may well and worthily be offered, the rather for that the statute, 1 E. III. cap. 12, willeth, that in this service generally a reasonable fine shall be taken.

1 E. III. c. 12.

Error and mistaking.

Lastly, error, misclaim, and forgetfulness, do now and then become suitors for some remission of extreme rigour: for I have sundry times observed, that an assurance, being passed through for a competent fine, hath come back again by reason of some oversight, and the party hath voluntarily repassed it within a while after. Sometimes the attorney, or follower of the cause, unskilfully thrusteth into the writ, both the uttermost quantity or more of the land, and the full rent also that is given for it: or else setteth down an entierty, where but a moiety, a third, or fourth part only was to be passed; or causeth a bargain and sale to be enrolled, when nothing passed thereby, because a fine had transferred the land before; or else enrolleth it within the six months; whereas, before the end of those months, the land was brought home to the first owner, by repayment of the money for which it was engaged. In which and many other like cases, the client will rather choose to give a moderate fine for the alienation so recharged, than to undertake a costly plea in the exchequer, for reformation of that which was done amiss. I take it for a venial fault also to vouchsafe a pardon, after the rate and proportion of a licence, to him that without fraud or evil mind hath slipped a term or two months, by forgetting to purchase his licence.

Much more could I say concerning this unblamable inequality of fines and rates: but as I meant only to give an essay thereof, so not doubting but that this may stand, both for the satisfaction of such as be indifferent, and for the discharge of us that be put in trust with the service, wherein no doubt a good discretion and dexterity ought to be used, I resort to the place where I left, affirming that there is in this employment of ours great use of good learning also, as well to distinguish the manifold sorts of tenures and estates; to make construction of grants, conveyances, and wills, and to sound the validity of inquisitions, liveries, licences, and pardons: as also to decipher the manifold slights and subtleties that are daily offered to defraud her Majesty in this her most ancient and due prerogative, and finally to handle many other matters, which this purpose will not permit me to recount at large.

Lastly, here is need, as I said, of integrity throughout the whole labour and practice, as without the which both the former learning and discretion are no better than *armata nequitia*, and nothing else but detestable craft and double villany.

And now as you have seen that these clerks want not their full task of labour during the time of the open term, so is there for them whereupon to be occupied in the vacation also.

For whereas alienations of lands, holden by the tenure of prerogative, be continually made, and that by many and divers ways, whereof all are not, at the first, to be found of record; and yet for the most part do come to be recorded in the end: the clerks of this office do, in the time of the vacation, repair to the rolls and records, as well of the chancery and king's bench, as of the common pleas and exchequer,

whence they extract notes not only of inquisitions, common recoveries, and indentures of bargains and sales, that cannot but be of record, but also of such feoffments, exchanges, gifts by will, and indentures of covenants to raise uses of lands holden in chief, as are first made in the country without matter of record, and come at the length to be found by office or inquisition, that is of record; all which are digested into apt books, and are then sent to the remembrancer of the lord treasurer in the exchequer, to the end that he may make and send out processes upon them, as he doth upon the extracts of the final concords of such lands, which the clerk of the fines doth convey unto him.

Thus it is plain, that this new order by many degrees excelleth the former usage; as also for the present advancement of her Majesty's commodity, and for the future profit which must ensue by such discovery of tenures as were concealed before, by awaking of such as had taken a long sleep, and by reviving a great many that were more than half dead.

The fees or allowances, that are termly given to these deputies, receiver, and clerks, for recompence of these their pains, I do purposely pretermit; because they be not certain but arbitrary, at the good pleasure of those honourable persons that have the dispensation of the same: howbeit hitherto each deputy and the receiver hath received twenty pounds for his travail in each term, only the doctor hath not allowance of any sum in gross, but is altogether paid in petty fees, by the party or suitor; and the clerks are partly rewarded by that mean also, for their entries, discharges, and some other writings, besides that termly fee which they are allowed.

Note. But if the deputies take one penny, besides their known allowance, they buy it at the dearest price that may be; I mean the shipwreck of conscience, and with the irrecoverable loss of their honesty and credit; and therefore since it appeareth which way each of these hath his reward, let us also examine that increase of benefit and gain, which is brought to her Majesty by the invention of this office.

At the end of Hilary term 1589, being the last open term of the lease of these profits granted to the late earl of Leicester, which also was to expire at the feast of the Annunciation of the blessed Virgin Mary 1590, then shortly to ensue; the officers above remembered thought it, for good causes, their duties to exhibit to the said right honourable the lord treasurer a special declaration of the yearly profits of these finances, paid into the hanaper during every of the six years before the beginning of the demise thereof made to that earl, conferred with the profits thereof that had been yearly taken during the six last years before the determination of the lease. By which it plainly appeared, that in all those first six years, next before the demise, there had been raised only 12798*l.* 15*s.* 7*d.* ob. and in these last six years of the demise the full sum of 32160*l.* 4*s.* 10*d.* qu. and so in all 19362*l.* 2*s.* 2*d.* ob. qu. more in these last, than in those former six years. But because it may be said, that all this increase redounded to the gain of the fermour only, I must add, that during all the time of the demise, he answered 300*l.* rent, of yearly increase, above all that profit of 2133*l.* 2*s.* 7*d.* qu. which had been yearly and casually made in the sixteen years one with another next before: the which, in the term of fourteen years, for so long these profits have been demised by three several leases, did bring 4200*l.* to her Majesty's coffers. I say yearly; which may seem strange, that a casual and thereby uncertain profit should yearly be all one: but indeed such was the wondrous handling thereof, that the profit was yearly neither more nor less to her Majesty, howsoever it might casually be more or less to him that did receive it. For the writs of covenant answered year by year 1152*l.* 16*s.* 8*d.* the licences and pardons 934*l.* 3*s.* 11*d.* qu. and the mean rates 46*l.* 2*s.* in all 2133*l.* 2*s.* 7*d.* qu. without increase or diminution.

Moreover, whereas her Majesty did, after the death of the earl, buy of the countess, being his executrix, the remanent of the last term of three years in those profits, whereof there were only then six terms, that is, about one year and a half, to come, paying for it the sum of 3000*l.* her Majesty did clearly gain by that bargain the full sum of 1173*l.* 15*s.* 8*d.* ob. above the said 3000*l.* above the rent of 3649*l.* 13*s.* 10*d.* ob. qu. proportionably due for that time, and above all fees and other reprises. Neither hath the benefit of this increase to her Majesty been contained within the bounds of this small office, but hath swelled over the banks thereof, and displayed itself apparently, as well in the hanaper, by the fees of the great seal, which yielding 20*s.* 4*d.* towards her Majesty for every licence and pardon, was estimated to advantage her highness during those fourteen years, the sum of 3721*l.* 6*s.* ob. qu. more than without that demise she was like to have found. As also in the court of wards and liveries, and in the exchequer itself: where, by reason of the tenures in chief revived through the only labours of these officers, both the sums for respect of homage be increased, and the profits of wardships, primer seisins, ouster le maine, and liveries, cannot but be much advanced. And so her Majesty's self hath, in this particular, gained the full sum of 8736*l.* 5*s.* 5*d.* ob. qu. not comprising those profits in the exchequer and court of wards, the very certainty whereof lieth not in the knowledge of these officers, nor accounting any part of that great benefit which the earl and his executrix have made by the demises: which one year with another, during all the thirteen years and a half, I suppose to have been 2263*l.* or thereabouts; and so in all about 27158*l.* above all his costs and expenses. The which albeit I do here report only for the justification of the service in this place; yet who cannot but see withal, how much the royal revenues might be advanced, if but the like good endeavours were showed for her Majesty in the rest of her finances, as have been found in this office for the commodity of this one subject?

The views of all which matter being presented to the most wise and princely consideration of her Majesty, she was pleased to demise these profits and fines for other five years, to begin at the feast

of the Annunciation 1590, in the thirty-second year of her reign, for the yearly rent formerly reserved upon the leases of the earl; within the compass of which five years, expired at the Annunciation 1595, there was advanced to her Majesty's benefit, by this service, the whole sum of 13013*l.* 14*s.* 1*d.* qu. beyond the ancient yearly revenues, which, before any lease, were usually made of these finances. To which if there be added 5700*l.* for the gain given to her Majesty by the yearly receipt of 300*l.* in rent, from the first demise to the earl, until the time of his death, together with the sum of 1173*l.* 15*s.* 8*d.* ob. clearly won in those six terms bought of the countess; then the whole commodity, from the first institution of this office, till the end of these last five years expired at the Annunciation 1595, shall appear to be 19887*l.* 9*s.* 9*d.* ob. qu. To the which sum also if 28550*l.* 15*s.* 6*d.* ob. qu. which the earl and the countess levied hereby, be likewise adjoined, then the whole profit taken in these nineteen years, that is, from the first lease to the end of the last, for her Majesty, the earl, and the countess, will amount unto 48438*l.* 5*s.* 4*d.* This labour hitherto thus luckily succeeding, the deputies in this office finding by daily proof, that it was wearisome to the subject to travel to divers places, and through sundry hands, for the pursuing of common recoveries, either not holden of her Majesty at all, or but partly holden in chief; and not doubting to improve her Majesty's revenue therein, and that without loss to any, either private person or public officer, if the same might be managed by them jointly with the rest whereof they had the charge; they found, by search in the hanaper, that the fruits of those writs of entry had not, one year with another, in the ten years next before, exceeded 400*l.* by the year. Whereupon they took hold of the occasion then present, for the renewing of the lease of the former profits; and moved the lord treasurer, and Sir John Fortescue, under-treasurer and chancellor of the exchequer, to join the same in one and the same demise, and to yield unto her Majesty 500*l.* by year therefor; which is 100*l.* yearly of increase. The which desire being by them recommended to her Majesty, it liked her forthwith to include the same, and all the former demised profits, within one entire lease, for seven years, to begin at the said feast of the Annunciation 1597, under the yearly rent of 2933*l.* 2*s.* 7*d.* qu. Since which time hitherto, I mean to the end of Michaelmas term 1598, not only the proportion of the said increased 100*l.* but almost of one other 100*l.* also, hath been answered to her Majesty's coffers, for those recoveries so drawn into the demise now continuing.

Thus I have opened both the first plotting, the especial practice, and the consequent profit arising by these officers: and now if I should be demanded, whether this increase of profit were likely to stand without fall, or to be yet amended or made more? I would answer, that if some few things were provided, and some others prevented, it is probable enough in mine opinion, that the profit should rather receive accession than decay.

The things that I wish to be provided are these: first, that by the diligence of these officers, assisted with such other as can bring good help thereunto, a general and careful collection be made of all the tenures in chief: and that the same be digested by way of alphabet into apt volumes, for every part, or shire, of the realm. Then that every office, or inquisition, that findeth any tenure in chief, shall express the true quantities of the lands so holden, even as in ancient time it was wont to be done by way of admeasurement, after the manner of a perfect extent or survey; whereby all the parts of the tenancy in chief may be wholly brought to light, howsoever in process of time it hath been, or shall be torn and dismembered. For prevention, I wish likewise, first, that some good means were devised for the restraint of making these inordinate and covenous leases of lands, holden in chief, for hundreds or thousands of years, now grown so bold, that they dare show themselves in fines, levied upon the open stage of the common pleas; by which one man taketh the full profit, and another beareth the empty name of tenancy, to the infinite deceit of her Majesty in this part of her prerogative. Then, that no alienation of lands holden in chief should be available, touching the freehold or inheritance thereof, but only where it were made by matter of record, to be found in some of her Majesty's treasuries; and lastly, that a continual and watchful eye be had, as well upon these new-founden traverses of tenure, which are not now tried *per patriam*, as the old manner was; as also upon all such pleas whereunto the confession of her Majesty's said attorney-general is expected: so as the tenure of the prerogative be not prejudiced, either by the fraud of counsellors at the law, many of which do bend their wits to the overthrow thereof; or by the greediness of clerks and attorneys, that, to serve their own gain, do both impair the tenure, and therewithal grow more heavy to the client, in so costly pleading for discharge, than the very confession of the matter itself would prove unto him. I may yet hereunto add another thing, very meet not only to be prevented with all speed, but also to be punished with great severity: I mean that collusions set on foot lately, between some of her Majesty's tenants in chief, and certain others that have had to do in her highness's grants of concealed lands; where, under a feigned concealment of the land itself, nothing else is sought but only to make a change of the tenure, which is reserved upon the grant of those concealments, into that tenure in chief: in which practice there is no less abuse of her Majesty's great bounty, than loss and hinderance of her royal right. These things thus settled, the tenure in chief should be kept alive and nourished; the which, as it is the very root that doth maintain this silver stem, that by many rich and fruitful branches spreadeth itself into the chancery, exchequer, and court of ward; so, if it be suffered to starve, by want of ablaqueation, and other good husbandry, not only this yearly fruit will much decrease from time to time, but also the whole body and boughs of that precious tree itself will fall into danger of decay and dying.

And now, to conclude therewith, I cannot see how it may justly be misliked, that her Majesty should, in a reasonable and moderate manner, demand and take this sort of finance: which is not newly out and imposed, but is given and grown up with the first law itself, and which is evermore accompanied with some special benefit to the giver of the same: seeing that lightly no alienation is made, but either upon recompence in money, or land, or for marriage, or other good and profitable consideration that doth move it: yea rather all good subjects and citizens ought not only to yield that gladly of themselves, but also to further it with other men; as knowing that the better this and such like ancient and settled revenues shall be answered and paid, the less need her Majesty shall have to ask subsidies, fifteens, loans, and whatsoever extraordinary helps, that otherwise must of necessity be levied upon them. And for proof that it shall be more profitable to her Majesty, to have every of the same to be managed by men of fidelity, that shall be waged by her own pay, than either to be letten out to the fermours' benefits, or to be left at large to the booty and spoil of ravenous ministers, that have not their reward; let the experiment and success be in this one office, and persuade for all the rest.

Laus Deo.

THE

LEARNED READING OF MR. FRANCIS BACON,

ONE OF HER MAJESTY'S COUNSEL AT LAW,

UPON

THE STATUTE OF USES:

BEING HIS DOUBLE READING TO THE HON. SOCIETY OF GRAY'S INN.

42 ELIZ.

I HAVE chosen to read upon the statute of uses made 27 Hen. VIII. a law, whereupon the inheritances of this realm are tossed at this day, like a ship upon the sea, in such sort, that it is hard to say which bark will sink, and which will get to the haven; that is to say, what assurances will stand good, and what will not. Neither is this any lack or default in the pilots, the grave and learned judges: but the tides and currents of received errors, and unwarranted and abusive experience, have been so strong, as they were not able to keep a right course according to the law, so as this statute is in great part as a law made in the parliament, held 35 Reginæ; for in 37 Reginæ, by the notable judgment upon solemn arguments of all the judges assembled in the exchequer-chamber, in the famous cause between Dillon and Freine, concerning an assurance made by Chudleigh, this law began to be reduced to a true and sound exposition, and the false and perverted exposition, which had continued for so many years, though never countenanced by any rule or authority of weight, but only entertained in a popular conceit, and put in practice at adventure, grew to be controlled; since which time, as it cometh to pass always upon the first reforming of inveterate errors, many doubts and perplexed questions have risen, which are not yet resolved, nor the law thereupon settled: the consideration whereof moved me to take the occasion of performing this particular duty to the house, to see if I could, by my travel, bring the exposition thereof to a more general good of the commonwealth.

Herein, though I could not be ignorant of the difficulty of the matter, which he that taketh in hand shall soon find; or much less of my own inability, which I had continual sense and feeling of; yet because I had more means of absolution than the younger sort, and more leisure than the greater sort, I did think it not impossible to work some profitable effect; the rather because where an inferior wit is bent and conversant upon one subject, he shall many times with patience and meditation dissolve and undo many of the knots, which a greater wit, distracted with many matters, would rather cut in two than unknit: and at least, if my invention or judgment be too barren or too weak; yet, by the benefit of other arts, I did hope to dispose or digest the authorities or opinions which are in cases of uses in such order and method, as they should take light one from another, though they took no light from me. And like to the matter of my reading shall my manner be, for my meaning is to revive and recontinue the ancient form of reading, which you may see in Mr. Frowicke's upon the prerogative, and all other readings of ancient time, being of less ostentation, and more fruit than the manner lately

accustomed: for the use then was, substantially to expound the statutes by grounds and diversities; as you shall find the readings still to run upon cases of like law and contrary law; whereof the one includes the learning of a ground, the other the learning of a difference: and not to stir concise and subtle doubts, or to contrive a multitude of tedious and intricate cases, whereof all, saving one, are buried, and the greater part of that one case, which is taken, is commonly nothing to the matter in hand; but my labour shall be in the ancient course, to open the law upon doubts, and not to open doubts upon this law.

EXPOSITIO STATUTI.

The exposition of this statute consists, upon the matter without the statute: upon the matter within the statute.

Three things are to be considered concerning these statutes, and all other statutes, which are helps and inducements to the right understanding of any statute, and yet are no part of the statute itself.

1. The consideration of the statute at the common law.

2. The consideration of the mischief which the statute intendeth to redress, as also any other mischief, which an exposition of the statute this way or that way may breed.

3. Certain maxims of the common law, touching exposition of statutes.

Having therefore framed six divisions, according to the number of readings upon the statute itself, I have likewise divided the matter without the statute into six introductions or discourses, so that for every day's reading I have made a triple provision.

1. A preface or introduction.

2. A division upon the law itself.

3. A few brief cases, for exercise and argument.

The last of which I would have forborne: and, according to the ancient manner, you should have taken some of my points upon my divisions, one, two, or more, as you should have thought good; save that I had this regard, that the younger sort of the bar were not so conversant with matters upon the statutes; and for their ease I have interlaced some matters at the common law, that are more familiar within the books.

1. The first matter I will discourse unto you, is the nature and definition of an use, and its inception and progression before the statute.

2. The second discourse shall be of the second spring of this tree of uses since the statute.

3. The third discourse shall be of the estate of the assurances of this realm at this day upon uses, and what kind of them is convenient and reasonable, and not fit to be touched, as far as the sense of law and natural construction of the statute will give leave; and what kind of them is convenient and meet to be suppressed.

4. The fourth discourse shall be of certain rules and expositions of laws applied to this present purpose.

5. The fifth discourse shall be of the best course to remedy the same inconveniencies now a-foot, by construction of the statute, without offering violence to the letter or sense.

6. The sixth and last discourse shall be of the best course to remedy the same inconveniencies, and to declare the law by act of parliament: which last I think good to reserve, and not to publish.

The nature of an use is best discerned by considering what it is not, and then what it is: for it is the nature of all human science and knowledge to proceed most safely, by negatives and exclusives, to what is affirmative and inclusive:

First, an use is no right, title, or interest in law; and therefore master attorney, who read upon this statute, said well, that there are but two rights:

Jus in re: Jus ad rem.

The one is an estate, which is *Jus in re:* the other a demand, which is *Jus ad rem:* but an use is neither; so that in 24 H. VIII. it is said that the saving of the statute of 1 R. III. which saveth any right or interest of entails, must be understood of entails of the possession, and not of the part of the use, because an use is no right nor interest. So again, you see Littleton's conceit, that an use should amount to a tenancy at will, whereupon a release might well inure, because of privity, is controlled by 4 and 5 H. VII. and divers other books, which say that *cestuy que use* is punishable in an action of trespass towards the feoffees; only 5 H. V. seemeth to be at some discord with other books, where it is admitted for law, that if there be *cestuy que use* of an advowson, and he be outlawed in a personal action, the king should have the presentment; which case Master Ewens, in the argument of Chudleigh's case, did seem to reconcile thus; where *cestuy que use*, being outlawed, had presented in his own name, there the king should remove his incumbent; but no such thing can be collected upon that book: and therefore I conceive the error grew upon this, that because it was generally thought, that an use was but a pernancy of profits; and then again because the law is, that, upon outlawries upon personal actions, the king shall have the pernancy of profits, they took that to be one and the self-same thing which *cestuy que use* had, and which the king was entitled unto; which was not so; for the king had remedy in law for his pernancy of profits, but *cestuy que use* had none. The books go farther, and say, that an use is nothing, as in 2 H. VII. *dist* was brought and counted *sur lease* for years rendering rent, &c. The defendant pleaded in bar, that the plaintiff "nihil habuit tempore dimissionis:" the plaintiff made a special replication, and showed that he had an use, and issue joined upon that; wherefore it appeareth, that if he had taken issue upon the defendant's plea, it should have been found against him. So again in 4 Regina, in the case of the Lord Sandys, the truth of the case was a fine levied by *cestuy que use* before the statute, and this coming in question since the statute upon an averment by the plaintiff "quod partes finis nihil habuerunt," it is said that the defendant may show the special matter of the use, and it shall be no de-

parture from the first pleading of the fine; and it is said farther that the averment given in 4 H. VII. "quod partes finis nihil habuerunt, nec in possessione, nec in usu," was ousted upon this statute of 27 H. VIII. and was no more now to be accepted: but yet it appears, that if issue had been taken upon the general averment, without the special matter showed, it should have been found for him that took the averment, because an use is nothing. But these books are not to be taken generally or grossly; for we see in the same books, when an use is especially alleged, the law taketh knowledge of it; but the sense of it is, that use is nothing for which remedy is given by the course of the common law, so as the law knoweth it, but protects it not; and therefore when the question cometh, whether it hath any being in nature or conscience, the law accepteth of it; and therefore Littleton's case is good law, that he who hath but forty shillings freehold in use, shall be sworn in an inquest, for it is ruled, "secundum dominium naturale," and not "secundum dominium legitimum, nam natura dominus est, quia fructum ex re percipit." And some doubt if upon subsidies and taxes *cestuy que use* should be valued as an owner: so likewise if *cestuy que use* had released his use unto the feoffee for six pounds, or contracted with a stranger for the like sum, there is no doubt but it is a good condition or contract whereon to ground an action upon the case: for money for release of a suit in the chancery is a good *quid pro quo*; therefore to conclude, though an use be nothing in law to yield remedy by course of law, yet it is somewhat in reputation of law and conscience: for that may be somewhat in conscience which is nothing in law, like as that may be something in law which is nothing in conscience; as if the feoffees had made a feoffment over in fee, *bona fide*, upon good consideration, and upon a *subpœna* brought against them, they pleaded this matter in chancery, this had been nothing in conscience, not as to discharge them of damages.

A second negative fit to be understood is, that a use is no covin, nor is it a collusion, as the word is now used; for it is to be noted, that where a man doth remove the state and possession of land, or goods, out of himself unto another upon trust, it is either a special trust, or a general trust.

The special trust is either lawful or unlawful.

The special trust unlawful is, according to the case, provided for by ancient statutes of fermours of the profits; as where it is to defraud creditors, or to get men to maintain suits, or to defeat the tenancy of the *præcipe*, or the statute of mortmain, or the lords of their wardships, or the like; and those are termed frauds, covins, or collusions.

The special trust lawful is, as when I infeoff some of my friends, because I am to go beyond the seas, or because I would free the land from some statute, or bond, which I am to enter into, or upon intent to be reinfeoffed, or intent to be vouched, and so to suffer a common recovery, or upon intent that the feoffees shall infeoff over a stranger, and infinite the like intents and purposes, which fall out in men's dealings and occasions; and this we call confidence, and the books do call them intents; but where the trust is not special, nor transitory, but general and permanent, there it is an use; and therefore these three are to be distinguished, and not confounded; the covin, confidence, and use.

So as now we are come by negatives to the affirmative, what an use is, agreeable to the definition in Plowden, 352, Delamer's case, where it is said:

An use is a trust reposed by any person in the terre-tenant, that he may suffer him to take the profits, and that he will perform his intent.

But it is a shorter speech to say, that

Usus est dominium fiduciarum:

Use is an owner's lifeship in trust.

So that "usus et status, sive possessio, potius differunt secundum rationem fori, quam secundum naturam rei," for that one of them is in court of law, the other in court of conscience; and for a trust, which is the way to an use, it is exceeding well defined by a civilian of great understanding:

Fides est obligatio conscientiæ unius ad intentionem alterius.

And they have a good division likewise of rights:

Jus precarium: Jus fiduciarium: Jus legitimum.

1. A right in courtesy, for the which there is no remedy at all.
2. A right in trust, for which there is a remedy, but only in conscience.
3. A right in law.

So much of the nature and definition of a use.

It followeth to consider the parts and properties of an use: wherein by the consent of all books, as it was distinctly delivered by Justice Walmsley in 36 of Elizabeth: That a trust consisteth upon three parts.

The first, that the feoffee will suffer the feoffor to take the profits.

The second, that the feoffee upon request of the feoffor, or notice of his will, will execute the estates to the feoffor, or his heirs, or any other by his direction.

The third, that if the feoffee be disseised, and so the feoffor disturbed, the feoffee will re-enter, or bring an action to re-continue the possession: so that those three, pernancy of profits, execution of estates, and defence of the land, are the three points of trust.

The properties of an use are exceeding well set forth by Fenner, justice, in the same case; and they be three:

1. Uses, saith he, are created by confidence:
2. Preserved by privity, which is nothing else but a continuance of the confidence, without interruption: and,
3. Ordered and guided by conscience: either by the private conscience of the feoffee; or the general conscience of the realm, which is chancery.

The two former of which, because they be matters more thoroughly beaten, and we shall have occasion hereafter to handle them, we will not now dilate upon:

But the third, we will speak somewhat of; both because it is a key to open many of the true reasons, and learnings of uses, and because it tendeth to decide our great and principal doubts at this day.

Coke, solicitor, entering into his argument of Chudleigh's case, said sharply and fitly: "I will put never a case but it shall be of an use, for an use in law hath no fellow;" meaning, that the learning of uses is not to be matched with other learnings. Anderson, chief justice, in the argument of the same case, did truly and profoundly control the vulgar opinion collected upon 5 E. IV. that there might be *possessio fratris* of an use; for he said, that it was no more but that the chancellor would consult with the rules of law, where the intention of the parties did not specially appear; and therefore the private conceit, which Glanville, justice, cited in the 42 Reginæ, in the case of Corbet, in the common pleas, of one of Lincoln's Inn, whom he named not, but seemed to allow, is not sound; which was, that an use was but a limitation, and did ensue the nature of a possession.

This very conceit was set on foot in 27 H. VIII. in the Lord Darcie's case, in which time they began to heave at uses: for thereafter the realm had many ages together put in ure the passage of uses by will, they began to argue that an use was not deviseable, but that it did ensue the nature of the land; and the same year after, this statute was made; so that this opinion seemeth ever to be a prelude and forerunner to an act of parliament touching uses; and if it be so meant now, I like it well: but in the mean time the opinion itself is to be rejected; and because, in the same case of Corbet, three reverend judges of the court of common pleas did deliver and publish their opinion, though not directly upon the point adjudged, yet *obiter* as one of the reasons of their judgment, that an use of inheritance could not be limited to cease; and again, that the limitation of a new use could not be to a stranger; ruling uses merely according to the ground of possession; it is worth the labour to examine that learning. By 3 Hen. VII. you may collect, that if the feoffees had been disseised by the common law, and an ancestor collateral of *cestuy que use* had released unto the disseisor, and his warranty had attached upon *cestuy que use;* yet the chancellor, upon this matter showed, would have no respect unto it, to compel the feoffees to execute the estate unto the disseisor: for there the case being, that *cestuy que use* in tail having made an assurance by fine and recovery, and by warranty which descended upon his issue, two of the judges held, that the use is not extinct; and Bryan and Hussey, that held the contrary, said, that the common law is altered by the new statute; whereby they admit, that by the common law that warranty will not bind and extinct a right of an use, as it will do a right of possession; and the reason is, because the law of collateral warranty is a hard law, and not to be considered in a court of conscience. In 5 Edw. IV. it is said, that if *cestuy que use* be attainted, query, who shall have the land, for the lord shall not have the land; so as there the use doth not limitate the possession; and the reason is, because the lord hath a rent by title; for that is nothing to the *subpœna*, because the feoffee's intent was never to advance the lord, but only his own blood; and therefore the query of the book ariseth, what the trust and confidence of the feoffee did tie him to do, as whether he should not sell the land to the use of the feoffee's will, or *in pios usus?* So favourable they took the intent in those days, as you find in 27 Hen. VI. that if a man had appointed his use to one for life, the remainder in fee to another, and *cestuy que use* for life had refused, because the intent appeared not to advance the heir at all, nor him in reversion, presently the feoffee should have the estate for life of him that refused, some ways to the behoof of the feoffor. But to proceed in some better order towards the disproof of this opinion of limitation, there be four points wherein we will examine the nature of uses.

1. The raising of them.
2. The preserving of them.
3. The transferring of them.
4. The extinguishing of them.

1. In all these four, you shall see apparently that uses stand upon their own reasons, utterly differing from cases of possession. I would have one case showed by men learned in the law, where there is a deed; and yet there needs a consideration; as for parole, the law adjudgeth it too light to give action without consideration; but a deed ever in law imports a consideration, because of the deliberation and ceremony in the confection of it: and therefore in 8 Reginæ it is solemnly argued, that a deed should raise an use without any other consideration. In the queen's case, a false consideration, if it be of record, will hurt the patent, but want of consideration doth never hurt it; and yet they say that an use is but a nimble and light thing; and now, contrariwise, it seemeth to be weightier than any thing else: for you cannot weigh it up to raise it, neither by deed, nor deed inrolled, without the weight of a consideration; but you shall never find a reason of this to the world's end, in the law: But it is a reason of chancery, and it is this:

That no court of conscience will enforce *donum gratuitum*, though the intent appear never so clearly, where it is not executed, or sufficiently passed by law; but if money had been paid, and so to a person damnified, or that it was for the establishment of his house, then it is a good matter in the chancery. So again I would see in the law, a case where a man shall take by a conveyance, be it by deed, livery, or word, that is not party to the grant: I do not say that the delivery must be to him that takes by the deed, for a deed may be delivery to one man to the use of another. Neither do I say that he must be party to the delivery of the deed, for he in the remainder may take though he be not party; but he must be party to the words of the grant; here again the case of the use goeth single, and the reason is, because a conveyance in use is nothing but a publication of the trust; and therefore so as the party trusted be declared, it is not material to whom the publication be. So much for the raising of uses. Now as to the preserving of them.

2. There is no case in the common law, wherein otice simply and nakedly is material to make a vin, or *particeps criminis;* and therefore if the er which is in by descent, infeoff one which had otice of the disseisin, if he were not a *disseisor de acto*, it is nothing: so in 33 H. VI. if a feoffment e made upon collusion, and feoffee makes a feoffment over upon good consideration, the collusion is ischarged, and it is not material if they had notice r no. So as it is put in 14 H. VIII. if a sale be ade in a market overt upon good consideration, lthough it be to one that hath notice that they are olen goods, yet the property of a stranger is bound; hough in the book before remembered 33 H. VI. ome opine to the contrary, which is clearly no law; n in 31 E. III. if assets descend to the heir, and he lien it upon good consideration, although it be to ne that had notice of the debt, or of the warranty, t is good enough. So 25 Ass. p. 1. if a man enter f purpose into my lands, to the end that a stranger hich hath right, should bring his *præcipe* and evict he land, I may enter notwithstanding any such reovery; but if he enter, having notice that the tranger hath right, and the stranger likewise having otice of his entry, yet if it were not upon conderacy or collusion between them, it is nothing: nd the reason of these cases is, because the common w looketh no farther than to see whether the act ere merely *actus fictus in fraudem legis;* and herefore wheresoever it findeth consideration given, dischargeth the covin.

But come now to the case of use, and there it is therwise, as it is in 14 H. VIII. and 28 H. VIII. nd divers other books; which prove that if the eoffee sell the land for good consideration to one hat hath notice, the purchaser shall stand seised to he ancient use; and the reason is, because the hancery looketh farther than the common law, namely, to the corrupt conscience of him that will eal in the land, knowing it in equity to be another's; nd therefore if there were *radix amaritudinis*, the onsideration purgeth it not, but it is at the peril of him that giveth it: so that consideration, or no consideration, is an issue at the common law; but otice, or no notice, is an issue in the chancery. And o much for the preserving of uses.

3. For the transferring of uses there is no case in law whereby an action is transferred, but the *subpœna* in case of use was always assignable; nay farther, you find twice 27 H. VIII. fol. 10, pla. 9, nd fol. 30, and pla. 21, that a right of use may be transferred; for in the former case Montague maketh the objection, and saith, that a right of use cannot be given by fine, but to him that hath the possession; Fitz-Herbert answereth, Yes, well enough; query the reason, saith the book.

And in the latter case, where *cestuy que use* was infeoffed by the disseisor of the feoffee, and made a feoffment over, Englefield doubted whether the second feoffee should have the use. Fitz-Herbert said, "I marvel you will make a doubt of it, for there is no doubt but the use passeth by the feoffment to the stranger, and therefore this question needeth not to have been made." So the great difficulty in 10 Reginæ, Delamer's case, where the case was in effect tenant in tail of an use, the remainder in fee; tenant in tail made a feoffment in fee; tenant, by the statute of 1 R. III. and the feoffee infeoffed him in the remainder of the use, who made it over; and there question being made, whether the second feoffee should have the use in remainder, it is said, that the second feoffee must needs have the best right in conscience; because the first feoffee claimed nothing but in trust, and the *cestuy que use* cannot claim it against his sale; but the reason is apparent, as was touched before, that an use in *esse* was but a thing in action, or in suit to be brought in court of conscience, and where the *subpœna* was to be brought against the feoffee in possession to execute the estate, or against the feoffee out of possession to recontinue the estate, always the *subpœna* might be transferred; for still the action at the common law was not stirred, but remained in the feoffee; and so no mischief of maintenance or transferring rights.

And if an use being but a right may be assigned, and passed over to a stranger, *a multo fortiori*, it may be limited to a stranger upon the privity of the first conveyance, as shall be handled in another place: and as to what Glanvile, justice, said, he could never find by any book, or evidence of antiquity, a contingent use limited over to a stranger; I answer, first, it is no marvel that you find no case before E. IV. his time, of contingent uses, where there be not six of uses in all; and the reason I doubt was, men did choose well whom they trusted, and trust was well observed: and at this day, in Ireland, where uses be in practice, cases of uses come seldom in question, except it be sometimes upon the alienations of tenants in tail by fine, that the feoffees will not be brought to execute estates to the disinheritance of ancient blood. But for experience in the conveyance, there was nothing more usual in *obits*, than to will the use of the land to certain persons and their heirs, so long as they shall pay the chantry priests their wages, and in default of payment to limit the use over to other persons and their heirs; and so, in case of forfeiture, through many degrees; and such conveyances are as ancient as R. II. his time.

4. Now for determining and extinguishing of uses, I put the case of collateral warranty before, and to that the notable case of 14 H. VIII. Halfpenny's case, where this very point was as in the principal case; for a right out of land, and the land itself in case of possession, cannot stand together, but the rent shall be extinct; but there the case is, that the use of the land and the use of the rent shall stand well enough together; for a rent charge was granted by the feoffee to one, that had notice of the use, and ruled, that the rent was to the ancient use, and both uses were *in esse simul et semel:* and though Brudenell, chief justice, urged the ground of possession to be otherwise, yet he was overruled by the other three justices, and Brooke said unto him, he thought he argued much for his pleasure. And to conclude, we see that things may be avoided and determined by the ceremonies and acts, like unto those by which they are created and raised; that which passeth by livery ought to be avoided by

entry; that which passeth by grant, by claim; that which passeth by way of charge, determineth by way of discharge: and so an use which is raised but by a declaration or limitation, may cease by words of declaration or limitation, as the civil law saith, "in his magis consentaneum est, quam ut iisdem modis res dissolvantur quibus constituantur."

For the inception and progression of uses, I have for a precedent in them searched other laws, because states and commonwealths have common accidents; and I find in the civil law, that that which cometh nearest in name to the use, is nothing like in matter which is *usus fructus:* for *usus fructus et dominium* is with them, as with us, particular tenancy and inheritance. But that which resembleth the use most is *fidei commissum*, and therefore you shall find in Justinian, lib. 2, that they had a form in testaments, to give inheritance to one to the use of another, "Hæredem constituo Caium; rogo autem te, Caie, ut hæreditatem restituas Seio." And the text of the civilians saith, that for a great time if the heir did not as he was required, *cestuy que use* had no remedy at all, until about the time of Augustus Cæsar there grew in custom a flattering form of trust, for they penned it thus: "Rogo te per salutem Augusti," or "per fortunam Augusti," etc. Whereupon Augustus took the breach of trust to sound in derogation of himself, and made a rescript to the prætor to give remedy in such cases; whereupon within the space of a hundred years, these trusts did spring and speed so fast, as they were forced to have a particular chancellor only for uses, who was called "prætor fidei-commissarius;" and not long after, the inconvenience of them being found, they resorted unto a remedy much like unto this statute; for by two decrees of senate, called "senatus consultum Trebellianum et Pegasianum," they made *cestuy que use* to be heir in substance. I have sought likewise, whether there be any thing which maketh with them in our law, and I find that Periam, chief baron, in the argument of Chudleigh's case, compareth them to copyholders, and aptly for many respects.

Inst. l. 2. Tit. 2.

First, because as an use seemeth to be an hereditament in the court of chancery, so the copyhold seemeth to be an hereditament in the lord's court.

Secondly, this conceit of limitation hath been troublesome in copyholders as well as in uses; for it hath been of late days questioned, whether there should be dowers, tenancies by the courtesy, entails, discontinuances, and recoveries of copyholds, in the nature of inheritances, at the common law; and still the judgments have weighed, that you must have particular customs in copyholds, as well as particular reasons of conscience in use, and the limitation rejected.

And thirdly, because they both grew to strength and credit by degrees; for the copyholder first had no remedy at all against the lord, and were as tenancy at will. Afterwards it grew to have remedy in chancery, and afterwards against their lords by trespass at the common law; and now, lastly, the law is taken by some, that they have remedy by *ejectione firmæ*, without a special custom of leasing. So no doubt in uses; at the first the chancery made question to give remedy, until uses grew more general, and the chancery more eminent; and then they grew to have remedy in conscience: but they could never obtain any manner of remedy at the common law, neither against the feoffee, nor against strangers; but the remedy against the feoffee was left to the subpœna: and the remedy against strangers to the feoffee.

Now for the cases whereupon uses were put in practice, Coke in his reading doth say well, that they were produced sometimes for fear, and many times for fraud. But I hold that neither of these cases were so much the reasons of uses, as another reason in the beginning, which was, that the lands by the common law of England were not testamentary or deviseable; and of late years, since the statute, the case of the conveyance for sparing of purchases and execution of estates; and now last of all an excess of evil in men's minds, affecting to have the assurance of their estate and possession to be revocable in their own times, and irrevocable after their own times.

Now for the commencement and proceeding of them, I have considered what it hath been in course of common law, and what it hath been in course of statute. For the common law the conceit of Shelley in 24 H. VIII. and of Pollard in 27 H. VIII. seemeth to me to be without ground, which was, that the use succeeded the tenure: for after that the statute of "Quia emptores terrarum," which was made 18 E. I. had taken away the tenure between the feoffor and the feoffee, and left it to the lord paramount, they said that the feoffment being then merely without consideration, should therefore intend an use to the feoffor; which cannot be; for by that reason, if the feoffment before the statute had been made "tenendum de capitalibus dominis," as it must be, there should have been an use unto the feoffor before that statute. And again, if a grant had been made of such things as consist not in tenure, as advowsons, rents, villains, and the like, there should have been an use of them, wherein the law was quite contrary; for after the time that uses grew common it was nevertheless a great doubt whether things that did lie in grant, did not carry a consideration in themselves because of the deed.

And therefore I do judge that the intendment of an use to the feoffor, where the feoffment was made without consideration, grew long after, when uses waxed general; and for this reason, because when feoffments were made, and that it rested doubtful whether it were in use or in purchase, because purchases were things notorious, and uses were things secret, the chancellor thought it more convenient to put the purchaser to prove his consideration, than the feoffor and his heirs to prove the trust: and so made the intendment towards the use, and put the proof upon the purchaser.

And therefore as uses were at the common law in reason, for whatsoever is not by statute, nor against law, may be said to be at the common law; and both the general trust and the special, were things not prohibited by the law, though they were not

medied by the law; so the experience and practice uses were not ancient; and my reasons why I ink so are these:

First, I cannot find in any evidence before king II. his time, the clause "ad opus et usum," and e very Latin of it savoureth of that time: for in cient time, about Edw. I. his time, and before, hen lawyers were part civilians, the Latin phrase s much purer, as you may see by Bracton's writ-g, and by ancient patents and deeds, and chiefly the register of writs, which is good Latin; where-this phrase, "ad opus et usum," and the words, ad opus," is a barbarous phrase, and like enough be the penning of some chaplain that was not ch past his grammar, where he had found "opus usus" coupled together, and that they did govern ablative case; as they do indeed since this sta-e, for they take away the land and put them into conveyance.

Secondly, I find in no private act of attainder, the use of forfeiture of lands, the words, "which he th in possession or in use," until Ed. IV.'s reign.

Thirdly, I find the word "use" in no statute un-17 Rich. II. cap. 11. *Of provisors*, and in 15 ch. *Of mortmain*.

Fourthly, I collect out of Choke's speech in 8 Ed. I. where he saith, that by the advice of all the ges it was thought that the subpœna did not lie ainst the heir of the feoffee which was in by law, *cestuy que use* was driven to his bill in parlia-ent, that uses even in that time were but in their in-cy; for no doubt but at the first the chancery made ficulty to give remedy at all, and did leave it to particular conscience of the feoffee: but after chancery grew absolute, as may appear by the tute of 13 H. VI. that complainants in chancery uld enter into bond to prove their suggestions, hich showeth that the chancery at that time began embrace too far, and was used for vexation; yet nevertheless it made scruple to give remedy against heir being in by act in law, though he were ry: so that it cannot be that uses had been of great continuance when they made that ques-n: as for the case of "matrimonii prælocuti," hath no affinity with uses; for wheresoever there s remedy at the common law by action, it cannot intended to be of the nature of an use.

And for the book commonly vouched of 8 Ass. here Earl calleth the possession of a conuzee upon fine levied by consent and entry in *autre droit*, d 44 of E. III. where there is mention of the feof-s that sued by petition to the king, they be but plications of no moment. So as it appeareth the st practice of uses was about Richard II. his me; and the great multiplying and overspreading them was partly during the wars in France, which ew most of the nobility to be absent from their ssessions; and partly during the time of the uble and civil war between the two houses about e title of the crown.

Now to conclude the progression of uses in course statutes, I do denote three special points.

1. That an use had never any force at all at the mmon law, but by statute law.

2. That there was never any statute made directly for the benefit of *cestuy que use*, as that the descent of an use should toll an entry, or that a release should be good to the pernor of the profits, or the like; but always for the benefit of strangers and other persons against *cestuy que use*, and his feoffees: for though by the statute of Richard III. he might alter his feoffee, yet that was not the scope of the statute, but to make good his assurance to other persons, and the other came in *ex obliquo*.

3. That the special intent unlawful and covinous was the original of uses, though after it induced to the lawful intent general and special; for 30 Edw. III. is the first statute I find wherein mention is made of the taking of profits by one, where the estate in law is in another.

For as to the opinion in 27 Hen. VIII. that in case of the statute of Marlebridge, the feoffees took the profits, it is but a conceit: for the law is this day, that if a man infeoff his eldest son, within age, and without consideration, although the profits be taken to the use of the son, yet it is a feoffment within the statute. And for the statute "De religiosis" 7 Ed. I. which prohibits generally that religious persons should not purchase *arte vel ingenio*, yet it maketh no mention of an use, but it saith, "colore donationis, termini, vel alicujus tituli," reciting there three forms of conveyances, the gift, the long lease, and feigned recovery; which gift cannot be understood of a gift to a stranger to their use, for that came to be holpen by 15 Richard II. long after.

But to proceed, in 5 Edward III. a statute was made for the relief of creditors against such as made covinous gifts of their lands and goods, and conveyed their bodies into sanctuaries, there living high upon others' goods; and therefore that statute made their lands liable to their creditors' executions in that particular case, if they took the profits. In 1 Richard II. a statute was made for relief of those as had right of action, against those as had removed the tenancy of the *præcipe* from them, sometimes by infeoffing great persons, for maintenance; and sometimes by secret feoffments to others, whereof the defendants could have no notice; and therefore the statute maketh the recovery good in all actions against the first feoffors as they took the profits, and so as the defendants bring their actions within a year of their expulsions. In 2 Richard II. cap. 3, session 2, an imperfection of the statute of 50 Edward III. was holpen; for whereas the statute took no place, but where the defendant appeared, and so was frustrated, the statute giveth, upon proclamation made at the gate of the place privileged, that the land should be liable without appearance.

In 7 R. II. a statute was made for the restraint of aliens, to take any benefices, or dignities ecclesiastical, or farms, or administration to them, without the king's special licence, upon pain of the statute of provisors; which being remedied by a former statute, where the alien took it to his own use; it is by that statute remedied, where the alien took it to the use of another, as it is said in the book;

though I guess, that if the record were searched, it should be, if any other purchased to the use of an alien, and that the words "or to the use of another," should be "or any other to his use." In 15 Rich. II. cap. 5, a statute was made for the relief of lords against mortmain, where feoffments were made to the use of corporations; and an ordinance made that for feoffments past the feoffees should before a day, either purchase licence to amortise them, or alien them to some other use or other feoffments to come, or they should be within the statute of mortmain. In 4 Hen. IV. cap 7, the statute of 1 Richard II. is enlarged in the limitation of time; for whereas the statute did limit the action to be brought within the year of the feoffment, this statute in case of a disseisin extends the time to the life of the disseisor; and in all other actions, leaves it to the year from the time of the action grown. In 11 Henry VI. cap. 3, that statute of 4 Henry IV. is declared, because the conceit was upon the statute, that in case of disseisin the limitation of the life of the disseisor went only to the assise of *novel disseisin*, and to no other action; and therefore that statute declareth the former law to extend to all other actions, grounded upon *novel disseisin*. In 11 Henry VI. cap. 5, a statute was made for relief of him in remainder against particular tenants, for lives, or years, that assigned over their estates, and took the profits, and then committed waste against them; therefore this statute giveth an action of waste being pernors of the profits. In all this course of statutes no relief is given to purchasers, that come in by the party, but to such as come in by law, as defendants in *præcipes*, whether they be creditors, disseisors, or lessors, and that only in case of mortmain: and note also, that they be all in cases of special covinous intents, as to defeat executions, tenancy to the *præcipe*, and the statute of mortmain, or provisors. From 11 Henry VI. to 1 R. III. being the space of fifty years, there is a silence of uses in the statute book, which was at that time, when, no question, they were favoured most. In 1 R. III. cap. 1, cometh the great statute for relief of those that come in by the party, and at that time an use appeareth in his likeness; for there is not a word spoken of taking the profits, to describe an use by, but of claiming to an use; and this statute ordained, that all gifts, feoffments, grants, &c. shall be good against the feoffors, donors, and grantors, and all other persons claiming only to their use; so as here the purchaser was fully relieved, and *cestuy que use* was *obiter* enabled to change his feoffees; because there were no words in the statute of feoffments, grants, &c. upon good consideration; but generally in Hen. VII.'s time, new statutes were made for farther help and remedy to those that came in by act in law; as 1 Hen. VII. cap. 1, a *formedon* is given without limitation of time against *cestuy que use;* and *obiter*, because they make him a tenant, they give him advantage of a tenant, as of age, and voucher: query 4 Hen. VII. cap. 17, the wardship is given to the lord of the heir of *cestuy que use*, dying and no will declared, is given to the lord, as if he had died seised in demesne, and action of waste given to the heir against the guardian, and damages, if the lord were barred in his writ of ward; and relief is likewise given unto the lord, if the heir holding the knight's service be of full age. In 19 Hen. VII. cap. 15, there is relief given in three cases, first to the creditors upon matters of record, as upon recognisance, statute, or judgment, whereof the two former were not aided at all by any statute: and the last was aided by a statute of 50 E. III. and 2 R. II. only in cases of sanctuary men. Secondly, to the lords in socage for their relief, and heriots upon death, which was omitted in the 4 Hen. VII. and lastly to the lords of villains, upon a purchase of their villains in use. In 23 Hen. VIII. cap. 10, a further remedy was given in a case like unto the case of mortmain: for in the statute of 15 Rich. II. remedy was given where the use came *ad manum mortuam*, which was when it came to some corporation: now when uses were limited to a thing, act, or work, and to a body, as to the reparation of a church, or an abbot, or to a guild, or fraternities as are only in reputation, but not incorporate, as to parishes; or such guilds or fraternities as are only in reputation, but not incorporate, that case was omitted, which by this statute is remedied, not by way of giving entry unto the lord, but by way of making the use utterly void: neither doth the statute express to whose benefit the use shall be made void, either the feoffor, or feoffee, but leaveth it to law, and addeth a *proviso*, that uses may be limited twenty years from the gift, and no longer.

This is the whole course of statute law, before this statute, touching uses. Thus have I set forth unto you the nature and definition of an use, the differences and trust of an use, and the parts and qualities of it; and by what rules and learnings uses shall be guided and ordered: by a precedent of them in our laws, the causes of the springing and spreading of uses, the continuance of them, and the proceedings that they have had both in common law and statute law; whereby it may appear, that an use is no more but a general trust when any one will trust the conscience of another better than his own estate and possession, which is an accident or event of human society, which hath been, and will be in all laws, and therefore was at the common law, which is common reason. Fitzherbert saith in the 14 H. VIII. common reason is common law, and not conscience; but common reason doth define that uses should be remedied in conscience, and not in courts of law, and ordered by rules in conscience, and not by straight rules of law; for the common law hath a kind of rule and survey over the chancery, to determine what belongs to the chancery. And therefore we may truly conclude, that the force and strength that an use had or hath in conscience, is by common law; and the force that it had or hath by common law, is only by statutes.

Now followeth in time and matter the consideration of this statute, which is of principal labour; for those former considerations which we have handled serve but for introduction.

This statute, as it is the statute which of all others hath the greatest power and operation over

ne heritages of the realm, so howsoever it hath een by the humour of the time perverted in exosition, yet in itself is most perfectly and exactly onceived and penned of any law in the book. 'Tis ıduced with the most declaring and persuading reamble, 'tis consisting and standing upon the iest and fittest ordinances, and qualified with the ost foreseeing and circumspect savings and proisoes: and lastly, 'tis the best pondered in all the ords and clauses of it of any statute that I find; ut before I come to the statute itself, I will note nto you three matters of circumstance.

1. The time of the statute. 2. The title of it. . The precedent or pattern of it.

For the time of it was in 27 Hen. VIII. when he king was in full peace, and a wealthy and ourishing estate, in which nature of time men are ost careful of their possessions; as well because urchasers are most stirring, as again, because the urchaser when he is full, is no less careful of his asurance to his children, and of disposing that hich he hath gotten, than he was of his bargain or the compassing thereof.

About that time the realm likewise began to be nfranchised from the tributes of Rome, and the ossessions that had been in mortmain began to stir broad; for this year was the suppression of the maller houses of religion, all tending to plenty, and urchasing: and this statute came in consort with ivers excellent statutes, made for the kingdom in he same parliament; as the reduction of Wales to more civil government, the re-edifying of divers ities and towns, the suppressing of depopulation nd enclosures.

For the title, it hath one title in the roll, and anther in course of pleading. The title in the roll a no solemn title, but an act entitled, An act expressing an order for uses and wills; the title in course of pleading is, "Statutum de usibus in possessionem transferendis:" wherein Walmsly, justice, noted well, 40 *Reginæ*, that if a man look to the working of the statute, he would think that it should be turned the other way, "de possessionibus ad usus transferendis;" for that is the course of the statute, to bring possession to the use. But the title is framed not according to the work of the statute, but according to the scope and intention of the statute, "nam quod primum est in intentione ultimum est in operatione." The intention of the statute by carrying the possession to the use, is to turn the use to a possession; for the words are not "de possessionibus ad usus transferendis;" and as the grammarian saith, "præpositio, *ad*, denotat notam actionis, sed præpositio, *in*, cum accusativo denotat notam alterationis:" and therefore Kingsmill, justice, in the same case saith, that the meaning of the statute was to make a transubstantiation of the use into a possession. But it is to be noted, that titles of acts of parliament severally came in but in the 5 Hen. VIII. for before that time there was but one title of all the acts made in one parliament; and that was no title neither, but a general preface of the good intent of the king, though now it is parcel of the record.

For the precedent of this statute upon which it is drawn, I do find by the first Richard III. whereupon you may see the very mould whereon this statute was made, that the said king having been infeoffed, before he usurped, to uses, it was ordained that the land whereof he was jointly infeoffed should be as if he had not been named; and where he was solely infeoffed, it should be in *cestuy que use*, in estate, as he had the use.

Now to come to the statute itself, the statute consisteth, as other laws do, upon a preamble, the body of the law, and certain savings, and provisoes. The preamble setteth forth the inconveniences, the body of the law that giveth the remedy, and the savings and provisoes take away the inconveniencies of the remedy. For new laws are like the apothecaries' drugs, though they remedy the disease, yet they trouble the body; and therefore they use to correct with spices: so it is not possible to find a remedy for any mischief in the commonwealth, but it will beget some new mischief; and therefore they spice their laws with provisoes to correct and qualify them.

The preamble of the law was justly commended by Popham, chief justice, in 36 *Reginæ*, where he saith, that there is little need to search and collect out of cases, before this statute, what the mischief was which the scope of the statute was to redress; because there is a shorter way offered us, by the sufficiency and fulness of the preamble, and therefore it is good to consider it and ponder it throughly.

The preamble hath three parts.

First, a recital of the principal inconveniences, which is the root of all the rest.

Secondly, an enumeration of divers particular inconveniences, as branches of the former.

Thirdly, a taste or brief note of the remedy that the statute meaneth to apply. The principal inconvenience, which is *radix omnium malorum*, is the diverting from the grounds and principles of the common law, by inventing a mean to transfer lands and inheritances without any solemnity or act notorious; so as the whole statute is to be expounded strongly towards the extinguishment of all conveyances, whereby the freehold or inheritance may pass without any new confections of deeds, executions of estate or entries, except it be where the estate is of privity and dependence one towards the other; in which cases, *mutatis mutandis*, they might pass by the rules of the common law.

The particular inconveniences by the law rehearsed may be reduced into four heads.

1. First, that these conveyances in use are weak for consideration.

2. Secondly, that they are obscure and doubtful for trial.

3. Thirdly, that they are dangerous for want of notice and publication.

4. Fourthly, that they are exempted from all such titles as the law subjecteth possessions unto.

The first inconvenience lighteth upon heirs.

The second upon jurors and witnesses.

The third upon purchasers.

The fourth upon such as come in by gift in law.

All which are persons that the law doth principally respect and favour.

For the first of these are three impediments, to the judgment of man, in disposing justly and advisedly of his estate.

First, trouble of mind.

Secondly, want of time.

Thirdly, of wise and faithful counsel about him.

1. And all these three the statute did find to be in the disposition of an use by will, whereof followed the unjust disinherison of heirs. Now the favour of law unto heirs appeareth in many parts of the law; as the law of descent privilegeth the possession of the heir against the entry of him that hath right by the law; no man shall warrant against his heir, except he warrant against himself, and divers other cases too long to stand upon: and we see the ancient law in Glanvill's time was, that the ancestor could not disinherit his heir by grant, or other act executed in time of sickness; neither could he alien land which had descended unto him, except it were for consideration of money or service; but not to advance any younger brother without the consent of the heir.

2. For trials, no law ever took a straiter course that evidence should not be perplexed, nor juries inveigled, than the common law of England; as on the other side, never law took a more precise and strait course with juries, that they should give a direct verdict. For whereas in a manner all laws do give the triers, or jurors, which in other laws are called judges *de facto*, a liberty to give *non liquet*, that is, to give no verdict at all, and so the case to stand abated; our law enforceth them to a direct verdict, general or special; and whereas other laws accept of plurality of voices to make a verdict, our law enforceth them all to agree in one; and whereas other laws leave them to their own time and ease, and to part, and to meet again; our law doth duress and imprison them in the hardest manner, without light or comfort, until they be agreed, in consideration of straitness and coercion; it is consonant, that the law do require in all matters brought to issue, that there be full proof and evidence; and therefore if the matter in itself be of that surety as in simple contracts, which are made by parole without writing, it alloweth wager of law.

In issue upon the mere right, which is a thing hardly to discern, it alloweth wager of battail to spare jurors, if time have wore out the marks and badges of truth: from time to time there have been statutes of limitation, where you shall find this mischief of perjuries often recited; and lastly, which is the matter in hand, all inheritances could not pass but by acts overt and notorious, as by deeds, livery, and records.

3. For purchasers, *bona fide*, it may appear that they were ever favoured in our law, as first by the great favour of warranties which were ever for the help of purchasers: as where by the law in Edw. III.'s time, the disseisee could not enter upon the feoffee in regard of the warranty; so again the collateral garranty, which otherwise as a hard law, grew in doubt only upon favour of purchasers; so was the binding of fines at the common law, the invention and practice of recoveries, to defeat the statute of entails, and many more grounds and learnings are to be found, which respect to the quiet of the possession of purchasers. And therefore though the statute of 1 R. III. had provided for the purchaser in some sort, by enabling the acts and conveyances of *cestuy que use;* yet nevertheless, the statute did not at all disable the acts or charges of the feoffees: and so as Walmsly, justice, said, 42 *Reginæ*, they played at double hand, for *cestuy que use* might sell, and the feoffee might sell, which was a very great uncertainty to the purchaser.

4. For the fourth inconvenience towards those that come in by law; conveyances in uses were like privileged places or liberties: for as there the law doth not run, so upon such conveyances the law could take no hold, but they were exempted from all titles in law. No man is so absolute owner of his possessions, but that the wisdom of the law doth reserve certain titles unto others; and such persons come not in by the pleasure and disposition of the party, but by the justice and consideration of law, and therefore of all others they are most favoured: and also they are principally three.

1. The king and lords, who lost the benefit of attainders, fines for alienations, escheats, aids, heriots, reliefs, &c.

2. The defendants in *præcipes* either real or personal, for debt and damages, who lost the benefit of their recoveries and executions.

3. Tenants in dower, and by the courtesy, who lost their estates and tithes.

1. First for the king: no law doth endow the king or sovereign with more prerogatives or privileges; for his person is privileged from suits and actions, his possessions from interruption and disturbance, his right from limitation of time, his patents and gifts from all deceits and false suggestions. Next the king is the lord, whose duties and rights the law doth much favour, because the law supposeth the land did originally come from him: for until the statute of "Quia emptores terrarum," the lord was not forced to destruct or dismember his signiory or service. So until 15 H. VII. the law was taken, that the lord, upon his title of wardship, should put out a conuzee of a statute, or a termor: so again we see, that the statute of mortmain was made to preserve the lord's escheats and wards: the tenant in dower is so much favoured, as that it is the common by-word in the law, that the law favoureth three things.

1. Life. 2. Liberty. 3. Dower.

So in case of voucher, the feme shall not be delayed, but shall recover against the heir incontinent; so likewise of tenant by courtesy, it is called tenancy by the law of England, and therefore specially favoured, as a proper conceit and invention of our law; so as again the law doth favour such as have ancient rights, and therefore it telleth us it is commonly said that a right cannot die: and that ground of law, that a freehold cannot be in suspense, showeth it well, insomuch that the law will rather give the land to the first comer, which we call an occupant, than want a tenant to a demandant's action.

And again, the other ancient ground of law of *remitter*, showeth that where the tenant faileth without folly in the defendant, the law executeth the ancient right. To conclude therefore this point, when this practice of feoffments to use did prejudice and damnify all those persons that the ancient common law favoured; and did absolutely cross the wisdom of the law: to have conveyances considerate and not odious, and to have trial thereupon clear and not inveigled, it is no marvel that the statute concludeth, that their subtle imaginations and abuses tended to the utter subversion of the ancient common laws of this realm.

The third part of the preamble giveth a touch of the remedy which the statute intendeth to minister, consisting in two parts.

First, the expiration of feoffments.

Secondly, the taking away of the hurt, damage, and deceit of the uses; out of which have been gathered two extremities of opinions.

The first opinion is, that the intention of the statute was to discontinue and banish all conveyances in use; grounding themselves upon the words, that the statute doth not speak of the extinguishment or extirpation of the use, namely, by an unity of possession, but of an extinguishment or extirpation of the feoffment, &c. which is the conveyance itself.

Secondly, out of the words, abuse and errors, heretofore used and accustomed, as if uses had not been at the common law, but had been only an erroneous device or practice. To both which I answer.

To the former, that the extirpation which the statute meant was plain, to be of the feoffee's estate, and not to the form of conveyances.

To the latter I say, that for the word, abuse, that may be an abuse of the law, which is not against law, as the taking long leases at this day of land *in despite* to defraud wardships, is an abuse of the law, which is not against law, but wandering or going astray, or digressing from the ancient practice of the law; and by the word, errors, the statute meant by it, not a mistaking of the law, into a by-course: as when we say, "erravimus cum patribus juris," it is not meant of ignorance only, but of perversity. But to prove that the statute meant not to suppress the form of conveyances, there be three reasons which are not answerable.

The first is, that the statute in the very branch thereof hath words "de futuro," that are seised, or hereafter shall be seised: and wherens it may be said that these words were put in, in regard of uses suspended by disseisins, and so no present seisin to the use, until a regress of the feoffees; that amendment is very particular, for commonly such cases are brought in by provisoes, or special branches, and not intermixed in the body of a statute; and it had been easy for the statute to have said, "or hereafter shall be seised upon any feoffment, &c. heretofore had or made."

The second reason is upon the words of the statute of enrolments, which saith, that no hereditaments shall pass, &c. or any use thereof, &c. whereby it is manifest, that the statute meant to leave the form of conveyance with the addition of a farther ceremony.

The third reason I make is out of the words of the proviso, where it is said, that no primer seisin, livery, no fine, nor alienation, shall be taken for any estate executed by force of the statute of 27, before the first of May, 1536, but they shall be paid for uses made and executed in possession for the time after; where the word, made, directly goeth to conveyances in use made after the statute, and can have no other understanding; for the words, executed in possession, would have served for the case of regress: and lastly, which is more than all, if they have had any such intent, the case being so general and so plain, they would have had words express, that every limitation of use made after the statute should have been void; and this was the exposition, as tradition goeth, that a reader of Gray's-Inn, which read soon after the statute, was in trouble for, and worthily, who, as I suppose, was Boy, whose reading I could never see; but I do now insist upon it, because now again some, in an immoderate invective against uses, do relapse to the same opinion.

The second opinion, which I called a contrary extremity, is, that the statute meant only to remedy the mischiefs in the preamble, recited as they grew by reason of divided uses; and although the like mischief may grow upon the contingent uses, yet the statute had no foresight of them at that time, and so it was merely a new case not comprised. Whereunto I answer, that it is the work of the statute to execute the divided use; and therefore to make an use void by this statute which was good before, though it doth participate of the mischief recited in the statute, were to make a law upon a preamble without a purview, which were grossly absurd. But upon the question what uses are executed, and what not; and whether out of possessions of a disseisor, or other possessions out of privity or not, there you shall guide your exposition according to the preamble; as shall be handled in my next day's discourse, and so much touching the preamble of this law.

For the body of the law, I would wish all readers that expound statutes to do as scholars are willed to do: that is, first to seek out the principal verb; that is, to note and single out the material words whereupon the statute is framed; for there are in every statute certain words, which are as veins where the life and blood of the statute cometh, and where all doubts do arise, and the rest are *literæ mortuæ*, fulfilling words.

The body of the statute consisteth upon two parts.

First, a supposition or case put, as Anderson, 36 Reginæ, calleth it.

Secondly, a purview or ordinance thereupon.

The cases of the statute are three, and every one hath his purview. The general case. The case of co-feoffees to the use of some of them. And the general case of feoffees to the use or pernors of rents or profits.

The general case is built upon eight material words. Four on the part of the feoffees. Three on the part of *cestuy que use*. And one common to them both.

The first material word on the part of the feoffees

is the word, person. This excludes all alliances; for there can be no trust reposed but in a person certain: it excludes again all corporations; for they are equalled to a use certain: for note on the part of the feoffor-over the statute insists upon the word, person, and on the part of *cestuy que use*, that added body politic.

The second word material, is the word, seised: this excludes chattels. The reason is, that the statute meant to remit the common law, and not but that the chattels might ever pass by testament or by parole; therefore the use did not pervert them. It excludes rights, for it is against the rules of the common law to grant or transfer rights; and therefore the statute would execute them. Thirdly, it excludes contingent uses, because the seisin cannot be but to a fee-simple of a use; and when that is limited, the seisin of the feoffee is spent; for Littleton tells us, that there are but two seisins, one "in dominio ut de feodo," the other "ut de feodo et jure;" and the feoffee by the common law could execute but the simple to uses present, and not post uses; and therefore the statute meant not to execute them.

The third material word is, hereafter: that bringeth in again conveyances made after the statute; it brings in again conveyances made before, and disturbed by disseisin, and recontinued after; for it is not said, infeoffed to use hereafter seised.

The fourth word is, hereditament, which is to be understood of those things whereof an inheritance is in *esse*: for if I grant a rent charge *de novo* for life to a use, this is good enough; yet there is no inheritance in being of this rent: this word likewise excludes annuities and uses themselves; so that an use cannot be to an use.

The first word on the part of *cestuy que use*, is the word, use, confidence, or trust, whereby it is plain that the statute meant to remedy the matter, and not words; and in all the clauses it still carrieth the words.

The second word is the word, person, again, which excludeth all alliances; it excludeth also all contingent uses which are not to bodies lively and natural, as the building of a church, the making of a bridge; but here, as noted before, it is ever coupled with body politic.

The third word is the word, other; for the statute meant not to cross the common law. Now at this time uses were grown to such a familiarity, as men could not think of possession, but in course of use; and so every man was seised to his own use, as well as to the use of others; therefore because statutes would not stir nor turmoil possessions settled at the common law, it putteth in precisely this word, other; meaning the divided use, and not the conjoined use; and this causeth the clause of joint feoffees to follow in a branch by itself; for else that case had been doubtful upon this word, other.

The words that are common to both, are words expressing the conveyance whereby the use ariseth, of which words those that breed any question are, agreement, will, or otherwise, whereby some have inferred that uses might be raised by agreement parole, so there were a consideration of money or other matter valuable; for it is expressed in th words before, bargain, sale, and contract, but blood, or kindred; the error of which collecti appeareth in the word immediately follow namely, will, whereby they might as well incl that a man seised of land might raise an use will, especially to any of his sons or kindred, wh there is a real consideration; and by that rea mean, betwixt this statute and the statute of 32 wills, lands were deviseable, especially to any m kindred, which was clearly otherwise; and there those words were put in, not in regard of uses ra by those conveyances, or without, or likewise will, might be transferred; and there was a per seised to a use, by force of that agreement or namely, to the use of the assignee; and for the w otherwise, it should by the generality of the w include a disseisin, to a use. But the whole sc of the statute crosseth that which was to exec such uses, as were confidences and trust, wh could not be in case of disseisin; for if there w a commandment precedent, then the land was ve in *cestuy que use* upon the entry; and if the dis sin were of the disseisor's own head, then no tr And thus much for the case of supposition of th statute: here follow the ordinance and purvi thereupon.

There purview hath two parts, the first *operati statuti*, the effect that the statute worketh: a there is *modus operandi*, a fiction, or explanati how the statute doth work that effect. The effec is, that *cestuy que use* shall be in possession of lik estate as he hath in the use; the fiction *quomodo* i that the statute will have the possession of *cestu que use*, as a new body compounded of matter an form; and that the feoffees shall give matter and sub stance, and the use shall give form and quality. Th material words in the first part of the purview are fou

The first words are, remainder and reverter, th statute having spoken before of uses in fee-simpl in tail, for life, or years, addeth, or otherwise in re mainder or reverter: whereby it is manifest, that th first words are to be understood of uses in possessio For there are two substantial and essential diffe ences of estates, the one limiting the times, for al estates are but times of their continuances: th maketh the difference of fee-simple, fee-tail, for lif or years; and the other maketh difference of pos session as remainder: all other differences of estat are but accidents, as shall be said hereafter; these two the statute meant to take hold of, and at the words, remainder and reverter, it stops: it adds no words, right, title, or possibility, nor it hath no general words, or otherwise: it is most plain, that the statute meant to execute no inferior uses to re mainder or reverter: that is to say, no possibilit or contingences, but estates, only such as the feoffees might have executed by conveyance made. Note also, that the very letter of the statute doth take notice of a difference between an use in re mainder and an use in reverter; which though it cannot be properly so called, because it doth not depend upon particular estates, as remainders do, neither did then before the statute draw any tenure

reversions do; yet the statute intends that there a difference when the particular use, and the use nited upon the particular use, are both new uses; which case it is an use in remainder; and where e particular use is a new use, and the remnant of e use is the old use, in which case it is an use in verter.

The next material word is, from henceforth, hich doth exclude all conceit of relation that *cestuy e use* shall not come in: as from the time of the st feoffments to use, as Brudnell's conceit was in 1 Hen. VIII. That is, the feoffor had granted a nt charge, and *cestuy que use* had made a feoffent in fee, by the statute of 1 Richard III. the offor should have held it discharged, because the t of *cestuy que use* shall put the feoffor in, as if *stuy que use* had been seised in from the time of e first use limited; and therefore the statute doth ke away all such ambiguities, and expresseth that *stuy que use* shall be in possession from henceorth; that is, from the time of the parliament for ses then in being, and from the time of the execuon for uses limited after the parliament.

The third material words are, lawful seisin, state, nd possession, not a possession in law only, but a isin in fact; not a title to enter into the land, but actual estate.

The fourth words are, of and in such estates as ey had in the use; that is to say, like estates, e-simple, fee-tail, for life, for years at will, in possion, and reversion, which are the substantial fferences of estates, as was said before; but both ese latter clauses are more fully perfected and exounded by the branch of the fiction of the statute hich follows.

This branch of fiction hath three material words r clauses: the first material clause is, that the tate, right, title, and possession that was in such erson, &c. shall be in *cestuy que use;* for that the atter and substance of the estate of *cestuy que use* the estate of the feoffee, and more he cannot ave; so as if the use were limited to *cestuy que se* and his heirs, and the estate out of which it was mited was but an estate for life, *cestuy que use* can ave no inheritance: so if when the statute came, he heir of the feoffee had not entered after the eath of his ancestor, but had only a possession in w, *cestuy que use* in that case should not bring an ssize before entry, because the heir of the feoffee ould not; so that the matter whereupon the use ust work is the feoffee's estate. But note here: hereas before when the statute speaks of the uses, spake only of uses in possession, remainder and verter, but not in title or right: now when the tatute speaks what shall be taken from the feoffee, speaks of title and right: so that the statute akes more from the feoffee than it executes presently, in case where there are uses in contingence hich are but titles.

The second word is, clearly, which seems proerly and directly to meet with the conceit of *scinilla juris*, as well as the words in the preamble of xtirpating and extinguishing such feoffments, so is heir estate as clearly extinct.

The third material clause is, after such quality, manners, form, and condition as they had in the use, so as now as the feoffee's estate gives matter, so the use gives form: and as in the first clause the use was endowed with the possession in points of estate, so there it is endowed with the possession in all accidents and circumstances of estate. Wherein first note, that it is gross and absurd to expound the form of the use any whit to destroy the substance of the estate; as to make a doubt, because the use gave no dower or tenancy by the courtesy, that therefore the possession when it is transferred would do so likewise: no, but the statute meant such quality, manner, form, and condition, as it is not repugnant to the corporal presence and possession of the estate.

Next for the word, condition, I do not hold it to be put in for uses upon condition, though it be also comprised within the general words; but because I would have things stood upon learnedly, and according to the true sense, I hold it but for an explaining, or word of the effect; as it is in the statute of 26 of treasons, where it is said, that the offenders shall be attainted of the overt fact by men of their condition, in this place, that is to say, of their degree or sort: and so the word condition in this place is no more, but in like quality, manner, form, and degree, or sort; so as all these words amount but to *modo et forma.* Hence therefore all circumstances of estate are comprehended as sole seisin, or joint seisin, by entierties, or by moieties, a circumstance of estate to have age as coming in by descent, or not age as purchaser; or circumstance of estate descendable to the heir of the part of the father, or of the part of the mother; a circumstance of estate conditional or absolute, remitted or not remitted, with a condition of intermarriage or without: all these are accidents and circumstances of estate, in all which the possession shall ensue the nature and quality of the use: and thus much of the first case, which is the general case.

The second case of the joint feoffees needs no exposition; for it pursueth the penning of the general case: only this I will note, that although it had been omitted, yet the law upon the first case would have been taken as the case provided; so that it is rather an explanation than an addition; for turn that case the other way, that one were infeoffed to the use of himself, I hold the law to be, that in the former case they shall be seised jointly; and so in the latter case *cestuy que use* shall be seised solely; for the word, other, it shall be qualified by the construction of cases, as shall appear when I come to my division. But because this case of co-feoffees to the use of one of them was a general case in the realm, therefore they foresaw it, expressed it precisely, and passed over the case *e converso*, which was but an especial case: and they were loth to bring in this case, by inserting the word, only into the first case, to have penned it to the use only of other persons: for they had experience what doubt the word, only, bred upon the statute of 1 R. III. after this third case: and before the third case of rents comes in the second saving; and the reason

of it is worth the noting, why the savings are interlaced before the third case; the reason of it is, because the third case needeth no saving, and the first two cases did need savings; and that is the reason of that again.

It is a general ground, that where an act of parliament is donor, if it be penned with an *ac si*, it is not a saving, for it is a special gift, and not a general gift, which includes all rights; and therefore in 11 Henry VII. where upon the alienation of women, the statute entitles the heir of him in remainder to enter, you find never a stranger, because the statute gives entry not *simpliciter*, but within an *ac si;* as if no alienation had been made, or if the feme had been naturally dead. Strangers that had right might have entered; and therefore no saving needs. So in the statute of 32 of leases, the statute enacts, that the leases shall be good and effectual in law, as if the lessor had been seised of a good and perfect estate in fee-simple; and therefore you find no saving in the statute; and so likewise of diverse other statutes, where the statute doth make a gift or title good specially against certain persons, there needs no saving, except it be to exempt some of those persons, as in the statute of 1 R. III. Now to apply this to the case of rents, which is penned with an *ac si*, namely, as if a sufficient grant or lawful conveyance had been made, or executed by such as were seised; why if such a grant of a rent had been made, one that had an ancient right might have entered and have avoided the charge; and therefore no saving needeth: but the second first cases are not penned with *ac si*, but absolute, that *cestuy que use* shall be adjudged in estate and possession, which is a judgment of parliament stronger than any fine, to bind all rights; nay, it hath farther words, namely, in lawful estate and possession, which maketh it stronger than any in the first clause. For if the words only had stood upon the second clause, namely, that the estate of the feoffee should be in *cestuy que use*, then perhaps the gift should have been special, and so the saving superfluous: and this note is material in regard of the great question, whether the feoffees may make any regress; which opinion, I mean, that no regress is left unto them, is principally to be argued out of the saving; as shall be now declared: for the savings are two in number: the first saveth all strangers' rights, with an exception of the feoffees; the second is a saving out of the exception of the first saving, namely, of the feoffees in case where they claim to their own proper use: it had been easy in the first saving out of the statute, other than such persons as are seised, or hereafter should be seised to any use, to have added to these words, executed by this statute; or in the second saving to have added unto the words, claiming to their proper use, these words, or to the use of any other, and executed by this statute: but the regress of the feoffee is shut out between the two savings; for it is the right of a person claiming to an use, and not unto his own proper use; but it is to be added, that the first saving is not to be understood as the latter implieth, that feoffees to use shall be barred of their regress, in case that it be of another feoffment than that whereupon the statute hath wrought, but upon the same feoffment; as if the feoffee before the statute had been disseised, and the disseised had made a feoffment in fee to I. D. his use, and then the statute came; this executeth the use of the second feoffment; but the first feoffees may make a regress, and they yet claim to an use, but not by that feoffment upon which the statute hath wrought.

Now followeth the third case of the statute, touching execution of rents; wherein the material words are four:

First, whereas diverse persons are seised, which hath bred a doubt that it should only go to rents in use at the time of the statute; but it is explained in the clause following, namely, as if a grant had been made to them by such as are or shall be seised.

The second word is, profit; for in the putting of the case, the statute speaketh of a rent; but after in the purview is added these words, or profit.

The third word is *ac si*, *scilicet*, that they shall have the rent as if a sufficient grant or lawful conveyance had been made and executed unto them.

The fourth words are the words of liberty and remedies attending upon such rent, *scilicet*, that he shall distrain, &c. and have such suits, entries, and remedies, relying again with an *ac si*, as if the grant had been made with such collateral penalties and advantages.

Now for the provisoes; the makers of this law did so abound with policy and discerning, as they did not only foresee such mischiefs as were incident to this new law immediately, but likewise such as were consequent in a remote degree; and therefore besides the express provisoes, they did add three new provisoes which are in themselves subtractive laws for foreseeing that by the execution of uses, wills formerly made should be overthrown, they made an ordinance for wills. Foreseeing likewise, that by execution of uses women should be doubly advanced, they made an ordinance for dowers and jointures. Foreseeing again, that the execution of uses would make *frank-tenement* pass by contract parole, they made an ordinance for enrolments of bargains and sales. The two former they inserted into this law, and the third they distinguished into a law apart, but without any preamble as may appear, being but a proviso to this statute. Besides all these provisional laws; and besides four provisoes whereof three attend upon the law of jointure, and one of persons born in Wales, which are not material to the purpose in hand; there are six provisoes which are natural and true members and limbs of the statute, whereof four concern the part of *cestuy que use*, and two concern the part of the feoffees. The four which concern the part of *cestuy que use*, tend all to save him from prejudice by the execution of the estate.

The first saveth him from the extinguishment of any statute or recognisance, as if a man had an extent of a hundred acres, and an use of the inheritance of one. Now the statute executing the possession to that one, would have extinguished his extent

being entire in all the rest: or as if the conuzee of a statute having ten acres liable to the statute had made a feoffment in fee to a stranger of two, and after had made a feoffment in fee to the use of the conuzee and his heirs. And upon this proviso there arise three questions:

First, whether this proviso were not superfluous, in regard that *cestuy que use* was comprehended in the general saving, though the feoffees be excluded?

Secondly, whether this proviso doth save statutes or executions, with an apportionment, or entire?

Thirdly, because it is penned indefinitely in point of time, whether it shall go to uses limited after the statute, as well as to those that were in being all the time of the statute; which doubt is rather enforced by this reason, because there was for * uses at the time of the statute; for that the execution of the statute might be waved: but both possession and use, since the statute, may be waved.

The second proviso saveth *cestuy que use* from the charge of *primer seisin*, *liveries*, *ouster les maines*, and such other duties to the king, with an express limitation of time, that he shall be discharged for the time past, and charged for the time to come to the king, namely, May 1536, to be *communis terminus*.

The third proviso doth the like for fines, reliefs, and herriots, discharging them for the time past, and speaking nothing of the time to come.

The fourth proviso giveth to *cestuy que use* all collateral benefits or vouchers, aid-priers, actions of waste, trespass, conditions broken, and which the feoffees might have had: and this is expressly limited for estates executed before 1 May 1536. And this proviso giveth occasion to intend that none of these benefits would have been carried to *cestuy que use*, by the general words in the body of the law, *scilicit*, that the feoffee's estate, right, title, and possession, &c.

For the two provisoes on the part of the tertenant, they both concern the saving of strangers from prejudice, &c.

The first saves actions depending against the feoffees, that they shall not abate.

The second saves wardships, liveries, and *ouster les maines*, whereof title was vested in regard of the heir of the feoffee, and this in case of the king only.

What persons may be seised to a use, and what not.
What persons may be cestuy que use, *and what not.*
What persons may declare an use, and what not.

Though I have opened the statute in order of words, yet I will make my division in order of matter, namely,

1. The raising of uses.
2. The interruption of uses.
3. The executing of uses.

Again, the raising of uses doth easily divide itself into three parts: The persons that are actors to the conveyance to use. The use itself. The form of the conveyance.

Then it is first to be seen what persons may be seised to an use, and what not; and what persons may be *cestuy que use*, and what not.

The king cannot be seised to an use; no, not where he taketh in his natural body, and to some purpose as a common person: and therefore if land be given to the king and I. D. *pour terme de leur vies*, this use is void for a moiety.

Like law is, if the king be seised of land in the right of his duchy of Lancaster, and covenanteth by his letters patents under the duchy seal to stand seised to the use of his son, nothing passeth.

Like law, if king R. III. who was feoffee to diverse uses before he took upon him the crown, had, after he was king, by his letters patents granted the land over, the uses had not been renewed.

The queen, speaking not of an imperial queen but by marriage, cannot be seised to an use, though she be a body enabled to grant and purchase without the king; yet in regard of the government and interest the king hath in her possession, she cannot be seised to an use.

A corporation cannot be seised to an use, because their capacity is to an use certain: again, because they cannot execute an estate without doing wrong to their corporation or founder; but chiefly because of the letter of this statute, which, in any clause when it speaketh of the feoffee, resteth only upon the word person, but when it speaketh of *cestuy que use*, it addeth person or body politic.

If a bishop bargain or sell lands whereof he is seised in the right of his see, this is good during his life; otherwise it is where a bishop is infeoffed to him and successors, to the use of I. D. and his heirs, that is not good, no not for the bishop's life, but the use is merely void.

Contrary law of tenant in tail; for if I give land in tail by deed since the statute to A, to the use of B and his heirs; B hath a fee-simple determinable upon the death of A without issue. And like law, though doubtful before the statute, was; for the chief reason which bred the doubt before the statute was because tenant in tail could not execute an estate without wrong; but that since the statute is quite taken away, because the statute saveth no right of entail, as the statute of 1 R. III. did; and that reason likewise might have been answered before the statute, in regard of the common recovery.

A feme covert and an infant, though under years of discretion, may be seised to an use; for as well as land might descend unto them from a feoffee to use, so may they originally be infeoffed to an use; yet if it be before the statute, and they had, upon a subpœna brought, executed their estate during the coverture or infancy, they might have defeated the same; and when they should have been seised again to the use, and not to their own use; but since the statute no right is saved unto them.

If a feme covert or an infant be infeoffed to an use precedent since the statute, the infant or baron come too late to discharge or root up the feoffment; but if an infant be infeoffed to the use of himself and his heirs, and I. D. pay such a sum of money to the use of I. G. and his heirs, the infant may disagree and overthrow the contingent use.

* The text here is manifestly corrupted, nor does any probable conjecture occur for its amendment.

Contrary law, if an infant be infeoffed to the use of himself for life, the remainder to the use of I. S. and his heirs, he may disagree to the feoffment as to his own estate, but not to divest the remainder, but it shall remain to the benefit of him in remainder.

And yet if an attainted person be infeoffed to an use, the king's title, after office found, shall prevent the use, and relate above it; but until office the *cestuy que use* is seised of the land.

Like law of an alien; for if land be given to an alien to an use, the use is not void *ab initio:* yet neither alien or attainted person can maintain an action to defend the land.

The king's villain if he be infeoffed to an use, the king's title shall relate above the use; otherwise in case of a common person.

But if the lord be infeoffed to the use of his villain, the use neither riseth, but the lord is in by the common law, and not by the statute discharged of the use.

But if the husband be infeoffed to the use of his wife for years, if he die the wife shall have the term, and it shall not inure by way of discharge, although the husband may dispose of the wife's term.

So if the lord of whom the land is held be infeoffed to the use of a person attainted, the lord shall not hold by way of discharge of the use, because of the king's title, *annum, diem et vastum.*

A person uncertain is not within the statute, nor any estate *in nubibus* or suspense executed: as if I give land to I. S. the remainder to the right heirs of I. D. to the use of I. N. and his heirs, I. N. is not seised of the fee-simple of an estate *pour vie* of I. S. till I. D. be dead, and then in fee-simple.

Like law, if before the statute I give land to I. S. *pour autre vie* to an use, and I. S. dieth, living *cestuy que use,* whereby the freehold is in suspense, the statute cometh, and no occupant entereth: the use is not executed out of the freehold in suspense for the occupant, the disseisor, the lord by escheat. The feoffee upon consideration, not having notice, and all other persons which shall be seised to use, not in regard of their persons but of their title; I refer them to my division touching disturbance and interruption of uses.

It followeth now to see what person may be a *cestuy que use.* The king may be *cestuy que use;* but it behoveth both the declaration of the use, and the conveyance itself, to be matter of record, because the king's title is compounded of both; I say, not appearing of record, but by conveyance of record. And therefore if I covenant with I. S. to levy a fine to him to the king's use, which I do accordingly; and this deed of covenant be not enrolled, and the deed be found by office, the use vesteth not. *E converso,* if enrolled. If I covenant with I. S. to infeoff him to the king's use, and the deed be enrolled, and the feoffment also be found by office, the use vesteth.

But if I levy a fine, or suffer a recovery to the king's use, and declare the use by deed of covenant enrolled, though the king be not party, yet it is good enough.

A corporation may take an use, and yet it is not material whether the feoffment or the declaration be by deed; but I may infeoff I. S. to the use of a corporation, and this use may be averred.

An use to a person uncertain is not void in the first limitation, but executeth not till the person be *in esse;* so that this is positive, that an use shall never be in abeyance as a remainder may be, but ever in a person certain upon the words of the statute, and the estate of the feoffees shall be in him or them which have the use. The reason is, because no confidence can be reposed in a person unknown and uncertain; and therefore if I make a feoffment to the use of I. S. for life, and then to the use of the right heirs of I. D. the remainder is not in abeyance, but the reversion is in the feoffor, *quousque.* So that upon the matter all persons uncertain in use, are like conditions or limitations precedent.

Like law, if I infeoff one to the use of I. S. for years, the remainder to the right heirs of I. D. this is not executed in abeyance, and therefore not void.

Like law, if I make a feoffment to the use of my wife that shall be, or to such persons as I shall maintain, though I limit no particular estate at all; yet the use is good, and shall in the interim return to the feoffor.

Contrary law, if I once limit the whole fee-simple of the use out of land, and part thereof to a person uncertain, it shall never return to the feoffor by way of fraction of the use: but look how it should have gone unto the feoffor; if I begin with a contingent use, so it shall go to the remainder; if I entail a contingent use, both estates are alike subject to the contingent use when it falleth; as when I make a feoffment in fee to the use of my wife for life, the remainder to my first-begotten son; I having no son at that time, the remainder to my brother and his heirs: if my wife die before I have any son, the use shall not be in me, but in my brother. And yet if I marry again, and have a son, it shall divest from my brother, and be in my son, which is the skipping they talk so much of.

So if I limit an use jointly to two persons, not in *esse,* and the one cometh to be *in esse,* he shall take the entire use; and yet if the other afterward come *in esse,* he shall take jointly with the former: as if I make a feoffment to the use of my wife that shall be, and my first-begotten son for their lives, and I marry; my wife taketh the whole use, and if I afterwards have a son, he taketh jointly with my wife.

But yet where words of abeyance work to an estate executed in course of possession, it shall do the like in uses; as if I infeoff A to the use of B for life, the remainder to C for life, the remainder to the right heirs of B, this is a good remainder executed.

So if I infeoff A to the use of his right heirs, A is in the fee-simple, not by the statute, but by the common law.

Now are we to examine a special point of the disability of such persons as do take by the statute: and that upon the words of the statute, where divers persons are seised to the use of other persons; so that by the letter of the statute, no use is contained

but where the feoffor is one, and *cestuy que use* is another.

Therefore it is to be seen in what cases the same persons shall be both seised to the use and *cestuy que use*, and yet in by the statute; and in what cases they shall be diverse persons, and yet in by the common law; wherein I observe unto you three things: First, that the letter is full in the point. Secondly, that it is strongly urged by the clause of joint estates following. Thirdly, that the whole scope of the statute was to remit the common law, and never to intermeddle where the common law executed an estate; therefore the statute ought to be expounded, that where the party seised to the use, and the *cestuy que use* is one person, he never taketh by the statute, except there be a direct impossibility or impertinency for the use, to take effect by the common law.

And if I give land to I. S. to the use of himself and his heirs, and if I. D. pay a sum of money, then to the use of I. D. and his heirs, I. S. is in of an estate for life, or for years, by way of abridgement of estate in course of possession, and I. D. in of the fee-simple by the statute.

So if I bargain and sell my land after seven years, the inheritance of the use only passeth; and there remains an estate for years by a kind of subtraction of the inheritance or occupier of my estate, but merely at the common law.

But if I infeoff I. S. to the use of himself in tail, and then to the use of I. D. in fee, or covenant to stand seised to the use of myself in tail, and to the use of my wife in fee; in both these cases the estate tail is executed by this statute; because an estate tail cannot be re-occupied out of a fee-simple, being a new estate, and not like a particular estate for life or years, which are but portions of the absolute fee; and therefore if I bargain and sell my land to I. S. after my death without issue, it doth not leave an estate tail in me, nor vesteth any present fee in the bargain, but is an use expectant.

So if I infeoff I. S. to the use of I. D. for life, and then to the use of himself and his heirs, he is in the fee-simple merely in course of possession, and as of a reversion, and not of a remainder.

Contrary law, if I infeoff I. S. to the use of I. D. for life, then to the use of himself for life, the remainder to the use of I. N. in fee: Now the law will not admit fraction of estates; but I. S. is in with the rest by the statute.

So if I infeoff I. S. to the use of himself and a stranger, they shall be both in by the statute, because they could not take jointly, taking by several titles.

Like law, if I infeoff a bishop and his heirs to the use of himself, and his successors, he is in by the statute in the right of his see.

And as I cannot raise a present use to one out of his own seisin; so if I limit a contingent or future use to one being at the time of limitation not seised, but after become seised at the time of the execution of the contingent use, there is the same reason and the same law, and upon the same difference which I have put before.

As if I covenant with my son, that after his marriage I will stand seised of land to the use of himself and his heirs; and before marriage I infeoff him to the use of himself and his heirs, and then he marrieth; he is in by the common law, and not by the statute; like law of a bargain and sale.

But if I had lett to him for life only, then he should have been in for life only by the common law, and of the fee-simple by statute. Now let me advise you of this, that it is not a matter of subtilty or conceit to take the law right, when a man cometh in by the law in course of possession, and where he cometh in by the statute in course of possession: but it is material for the deciding of many causes and questions, as for warranties, actions, conditions, waivers, suspicions, and divers other provisoes.

For example; a man's farmer committed waste: after he in reversion covenanteth to stand seised to the use of his wife for life, and after to the use of himself and his heirs; his wife dies; if he be in his fee untouched, he shall punish the waste; if he be in by the statute, he shall not punish it.

So if I be infeoffed with warranty, and I covenant with my son to stand seised to the use of myself for life, and after to him and his heirs; if I be in by the statute, it is clear my warranty is gone; but if I be in by the common law, it is doubtful.

So if I have an eigne right, and be infeoffed to the use of I. S. for life, then to the use of myself for life, then to the use of I. D. in fee, I. S. dieth. If I be in by the common law, I cannot waive my estate, having agreed to the feoffment: but if I am in by the statute, yet I am not remitted, because I come in by my own act: but I may waive my use, and bring an action presently; for my right is saved unto me by one of the savings in the statute. Now on the other side it is to be seen, where there is a seisin to the use of another person; and yet it is out of the statute which is in special cases upon the ground, wheresoever *cestuy que use* had remedy for the possession by course of common law, there the statute never worketh; and therefore if a disseisin were committed to an use, it is in him by the common law upon agreement: so if one enter as occupant to the use of another, it is in him till disagreement.

So if a feme infeoff a man, *causa matrimonii præloculi*, she hath a remedy for the land again by course of the law; and therefore in those special cases the statute worketh not; and yet the words of the statute are general, where any person stands seised by force of any fine, recovery, feoffment, bargain and sale, agreement or otherwise; but yet the feme is to be restrained for the reason aforesaid.

It remaineth to show what persons may limit and declare an use: wherein we must distinguish; for there are two kinds of declarations of uses, the one of a present use upon the first conveyance, the other upon a power of revocation or new declaration; the latter of which I refer to the division of revocation: now for the former.

The king upon his letters patent may declare an use, though the patent itself implieth an use, if none be declared.

If the king gives lands by his letters to I. S. and

his heirs, to the use of I. S. for life, the king hath the inheritance of the use by implication of the patent, and no office needeth; for implication out of matter of record, amounteth ever to matter of record.

If the queen give land to I. S. and his heirs to the use of all the church-wardens of the church of Dale, the patentee is seised to his own use, upon that confidence or intent; but if a common person had given land in that manner, the use had been void by the statute of 23 H. VIII. and the use had returned to the feoffor and his heirs. A corporation may take an use without deed, as hath been said before; but can limit no use without deed.

An infant may limit an use upon a feoffment, fine, or recovery, and he cannot countermand or avoid the use, except he avoid the conveyance; contrary, if an infant covenant in consideration of blood or marriage to stand seised to an use, the use is merely void.

If an infant bargain and sell his land for money, for commons or teaching, it is good with averment; if for money, otherwise: if it be proved, it is avoidable; if for money recited and not paid, it is void: and yet in the case of a man of full age the recital sufficeth.

If baron and feme be seised in the right of the feme, or by joint purchase during the coverture, and they join in a fine, the baron cannot declare the use for longer time than the coverture, and the feme cannot declare alone; but the use goeth, according to the limitation of law, unto the feme and her heirs; but they may both join in declaration of the use in fee; and if they sever, then it is good for so much of the inheritance, as they concurred in; for the law avoucheth all one as if they joined: as if the baron declare an use to I. S. and his heirs, and the feme another to I. D. for life, and then to I. S. and his heirs, the use is good to I. S. in fee.

And if upon examination the feme will declare the use to the judge, and her husband agree not to it, it is void, and the baron's use is only good; the rest of the use goeth according to the limitation of law.

THE ARGUMENTS IN LAW,

OF

SIR FRANCIS BACON, KNIGHT,

THE KING'S SOLICITOR-GENERAL,

IN CERTAIN GREAT AND DIFFICULT CASES.

TO MY LOVING FRIENDS AND FELLOWS,

THE

READERS, ANCIENTS, UTTER-BARRISTERS, AND STUDENTS, OF GRAY'S-INN.

I do not hold the law of England in so mean an account, but that which other laws are held worthy of, should be due likewise to our laws, as no less worthy for our state. Therefore when I found that not only in the ancient times, but now at this day, in France, Italy, and other nations, the speeches, and, as they term them, pleadings, which have been made in judicial cases, where the cases were mighty and famous, have been set down by those that made them, and published; so that not only a Cicero, a Demosthenes, or an Æschines, hath set forth his Orations, as well in the judicial as deliberative; but a Marrian and a Pavier have done the like by their pleadings; I know no reason why the same should not be brought in use by the professors of our law for their arguments in principal cases. And this I think the more necessary, because the compendious form of reporting resolutions, with the substance of the reasons, lately used by Sir Edward Coke, lord chief justice of the king's bench, doth not delineate or trace out to the young practisers of law a method and form of argument for them to imitate. It is true I could have wished some abler person had begun; but it is a kind of order sometimes to begin with the meanest. Nevertheless, thus much I may say with modesty, that these arguments which I have set forth, most of them, are upon subjects not vulgar; and therewithal, in regard of the commixture, which the course of my life hath made of law with other studies, they may have the more variety, and perhaps the more depth of reason: for the reasons of municipal laws, severed from the grounds of nature, manners, and policy, are like wall-flowers, which though they grow high upon the crests of states, yet they have no deep root: besides, in all public services I ever valued my reputation more than my pains; and therefore in weighty causes I always used extraordinary diligence; in all which respects I persuade myself the reading of them will not be unprofitable. This work I knew not to whom to dedicate, rather than to the Society of Gray's Inn, the place whence my father was called to the highest place of justice, and where myself have lived and had my procedure so far, as by his Majesty's rare if not singular grace, to be of both his councils: and therefore few men, so bound to their societies by obligation, both ancestral and personal, as I am to yours; which I would gladly acknowledge, not only in having your name joined with mine own in a book, but in any other good office and effect which the active part of my life and place may enable me unto toward the Society, or any of you in particular. And so I bid you right heartily farewell.

Your assured loving friend and fellow,

FRANCIS BACON.

THE

CASE OF IMPEACHMENT OF WASTE,

ARGUED BEFORE ALL THE JUDGES

IN THE EXCHEQUER CHAMBER.

THE case needs neither repeating nor opening. The point is in substance but one, familiar to be put, but difficult to be resolved; that is, Whether, upon a lease without impeachment of waste, the property of the timber-trees, after severance, be not in him that is owner of the inheritance?

The case is of great weight, and the question of great difficulty: weighty it must needs be, for that it doth concern, or may concern, all the lands in England; and difficult it must be, because this question sails *in confluentiis aquarum*, in the meeting or strife of two great tides. For there is a strong current of practice and opinion on the one side, and there is a more strong current, as I conceive, of authorities, both ancient and late, on the other side. And therefore, according to the reverend custom of the realm, it is brought now to this assembly; and it is high time the question receive an end, the law a rule, and men's conveyances a direction.

This doubt ariseth and resteth upon two things to be considered; first, to consider of the interest and property of a timber-tree, to whom it belongeth: and secondly, to consider of the construction and operation of these words or clause, *absque impetitione vasti:* for within these two branches will aptly fall whatsoever can be pertinently spoken in this question, without obscuring the question by any other curious division.

For the first of these considerations, which is the interest or property of a timber-tree, I will maintain and prove to your lordships three things.

First, That a timber-tree, while it groweth, is merely parcel of the inheritance, as well as the soil itself.

And, secondly, I will prove, that when either nature, or accident, or the hand of man hath made it transitory, and cut it off from the earth, it cannot change the owner, but the property of it goes where the inheritance was before. And thus much by the rules of the common law.

And, thirdly, I will show that the statute of Gloucester doth rather corroborate and confirm the property in the lessor, than alter it, or transfer it to the lessee.

And for the second consideration, which is the force of that clause, *absque impetitione vasti*, I will also uphold and make good three other assertions.

First, That if that clause should be taken in the sense which the other side would force upon it, that it were a clause repugnant to the estate and void.

Secondly, That the sense which we conceive and give, is natural in respect of the words; and for the matter agreeable to reason and the rules of law.

And lastly, That if the interpretation seem ambiguous and doubtful, yet the very mischief itself, and consideration of the commonwealth, ought rather to incline your lordship's judgment to our construction.

My first assertion therefore is, that a timber-tree is a solid parcel of the inheritance; which may seem a point admitted, and not worth the labouring. But there is such a chain in this case, as that which seemeth most plain, if it is sharply looked into, doth invincibly draw on that which is most doubtful. For if the tree be parcel of the inheritance unsevered, inherent in the reversion, severance will not alien it, nor the clause will not divest it.

To open therefore the nature of an inheritance: sense teacheth there be, of the soil and earth, parts that are raised and eminent, as timber-trees, rocks, houses. There be parts that are sunk and depressed, as mines, which are called by some *arbores subterraneæ*, because that as trees have great branches and smaller boughs and twigs, so have they in their region greater and smaller veins: so if we had in England beds of porcelane, such as they have in which porcelane is a kind of a plaster buried in the earth, and by length of time congealed and glazed into that fine substance; this were as an artificial mine, and no doubt part of the inheritance. Then are there the ordinary parts, which make the mass of the earth, as stone, gravel, loam, clay, and the like.

Now as I make all these much in one degree, so there is none of them, not timber-trees, not quarries, not minerals or fossils, but hath a double nature: inheritable and real, while it is contained within the mass of the earth; and transitory and personal, when it is once severed. For even gold and precious stone, which is more durable out of earth than any tree is upon the earth; yet the law doth not hold of that dignity as to be matter of inheritance if it be once severed. And this is not because it becometh movable, for there be movable inheritances, as villains in gross, and dignities which are judged hereditaments; but because by their severance they lose their nature of perpetuity, which is of the essence of an inheritance.

Nevil's case proving there are inheritances which are not local.

And herein I do not a little admire the wisdom of the laws of England, and

The consent of the law with

philosophy in distinguishing between perpetual and transitory.

the consent which they have with the wisdom of philosophy and nature itself: for it is a maxim in philosophy, that "in regione elementari nihil est æternum, nisi per propagationem speciei, aut per successionem partium."

And it is most evident, that the elements themselves, and their products, have a perpetuity not *in individuo*, but by supply and succession of parts. For example, the vestal fire, that was nourished by the virgins at Rome, was not the same fire still, but was in perpetual waste, and in perpetual renovation. So it is of the sea and waters, it is not the same water individually, for that exhales by the sun, and is fed again by showers. And so of the earth itself, and mines, quarries, and whatsoever it containeth, they are corruptible individually, and maintained only by succession of parts, and that lasteth no longer than they continue fixed to the main and mother globe of the earth, and is destroyed by their separation.

According to this I find the wisdom of the law, by imitation of the course of nature, to judge of inheritances and things transitory; for it alloweth no portions of the earth, no stone, no gold, no mineral, no tree, no mould, to be longer inheritance than they adhere to the mass, and so are capable of supply in their parts: for by their continuance of body stands their continuance of time.

Neither is this matter of discourse, except the deep and profound reasons of law, which ought chiefly to be searched, shall be accounted discourse, as the slighter sort of wits, *Scioli*, may esteem them.

And therefore now that we have opened the nature of inheritable and transitory, let us see, upon a division of estates, and before severance, what kind of interests the law allotteth to the owner of inheritance, and what to the particular tenant; for they be competitors in this case.

The consent of the law with the civil law in the distinguishing between inheritance and particular estates, which hath relation to their division of *dominium* and *usus-fructus*.

First, In general the law doth assign to the lessor those parts of the soil conjoined, which have obtained the reputation to be durable, and of continuance, and such as being destroyed, are not but by long time renewed; and to the terminors it assigneth such interests as are tender and feeble against the force of time, but have an annual or seasonable return or revenue. And herein it consents again with the wisdom of the civil law; for our inheritance and particular estate is in effect their *dominium* and *usus-fructus;* for so it was conceived upon the ancient statute of depopulations, 4 Hen. VII. which was penned, "that the owner of the land should re-edify the houses of husbandry," that the word *owner*, which answereth to *dominus*, was he that had the immediate inheritance; and so ran the later statutes. Let us see therefore what judgment the law maketh of a timber-tree; and whether the law doth not place it within the lot of him that hath the inheritance as parcel thereof.

Owner in the stat. 4 H. 7.

The writ of waste supposeth the felling timber to be *ad exheredationem*.

First, It appeareth by the register out of the words of the writ of waste, that the waste is laid to be *ad exhæredationem*, which presupposeth *hereditatem;* for there cannot be a disinherison by the cutting down of the tree, except there was an inheritance in the tree, "quia privatio præsupponit actum."

The statute of Gloucester, *quod recuperet rem vastatam*, not *locum vastatam*.

Again it appeareth out of the words of the statute of Gloucester, well observed, that the tree and the soil are one entire thing, for the words are "quod recuperet rem vastatam;" and yet the books speak, and the very judgment in waste is, "quod recuperet locum vastatam," which shows, that *res* and *locus* are in exposition of law taken indifferently; for the lessor shall not recover only the stem of the tree, but he shall recover the very soil, whereunto the stem continues. And therefore it is notably ruled in 22 H. VI. f. 13, that if the terminor do first cut down the tree, and then destroy the stem, the lessor shall declare upon two several wastes, and recover treble damages for them severally. But, says the book, he must bring but one writ, for he can recover the place wasted but once.

22 H. 6. f. 13.

Mullin's case.

And farther proof may be fitly alleged out of Mullin's case in the commentaries, where it is said, that for timber-trees tithes shall not be paid. And the reason of the book is well to be observed; "for that tithes are to be paid for the revenue of the inheritance, and not for the inheritance itself."

Nay, my lords, it is notable to consider what a reputation the law gives to the trees, even after they are severed by grant, as may be plainly inferred out of Herlackenden's case, L. Coke, p. 4, f. 62. I mean the principal case; where it is resolved, that if the trees being excepted out of a lease granted to the lessee, or if the grantee of trees accept a lease of the land, the property of the trees drown not, as a term should drown in a freehold, but subsist as a chattel divided; which shows plainly, though they be made transitory, yet they still to some purpose savour of the inheritance: for if you go a little farther, and put the case of a state tail, which is a state of inheritance, then I think clearly they are re-annexed. But on the other side, if a man buy corn standing upon the ground, and take a lease of the same ground, where the corn stands, I say plainly it is re-affixed, for "paria copulantur cum paribus."

Co. p. 4. f. 62.

And it is no less worthy the note, what an operation the inheritance leaveth behind it in matter of waste, even when it is gone, as appeareth in the case of tenant after possibility, who shall not be punished: for though the new reason be, because his estate was not within the statute of Gloucester; yet I will not go from my old master Littleton's reason, which speaketh out of the depth of the common law, he shall not be punished "for the inheritance' sake which was once in him."

But this will receive a great deal of illustration, by considering the terminor's estate, and the nature thereof, which was well defined by Mr. Heath, who spake excellent well to the case, that it is such as he

ought to yield up the inheritance in as good plight as he received it; and therefore the word *firmarius*, which is the word of the statute of Marlebridge, cometh, as I conceive, *a firmando;* because he makes the profit of the inheritance, which otherwise should be upon account, and uncertain, firm and certain; and accordingly *feodi firma*, fee-farm, is a perpetuity certain. Therefore the nature and limit of a particular tenant is to make the inheritance certain, and not to make it worse.

The derivation and force of the word *firmarius*.

1. Therefore he cannot break the soil otherwise than with his ploughshare to turn up perhaps a stone, that lieth aloft; his interest is *in superficie*, not in *profundo*, he hath but *tunicam terræ*, little more than the vesture.

If we had fir-timber here, as they have in Muscovy, he could not pierce the tree to make the pitch come forth, no more than he may break the earth.

So we see the evidence, which is *propugnaculum hæreditatis*, the fortress and defence of the land, belongeth not to the lessee, but to the owner of the inheritance.

The evidence *propugnaculum hæreditatis*.

So the lessee's estate is not accounted of that dignity, that it can do homage, because it is a badge of continuance in the blood of lord and tenant. Neither for my own opinion can a particular tenant of a manor have aid "pour file marier, ou pour faire fitz chevalier;" because it is given by law upon an intendment of continuance of blood and privity between lord and tenant.

Homage importeth continuance in the blood. Particular tenants of seigniories shall not have aid.

And for the tree, which is now in question, do but consider in what a revolution the law moves, and as it were in an orb: for when the tree is young and tender, *germen terræ*, a sprout of the earth, the law giveth it to the lessee, as having a nature not permanent, and yet easily restored: when it comes to be a timber-tree, and hath a nature solid and durable, the law carrieth it to the lessor. But after again if it become a sear and a dotard, and its solid parts grow putrefied, and, as the poet saith, "non jam mater alit tellus, viresque ministrat," then the law returns it back to the lessee. This is true justice, this is *suum cuique tribuere;* the law guiding all things with line of measure and proportion.

And therefore that interest of the lessee in the tree, which the books call a special property, is scarce worth that name. He shall have the shade, so shall he have the shade of a rock; but he shall not have a crystal or Bristol diamond growing upon the rock. He shall have the pannage; why? that is the fruit of the inheritance of a tree, as herb or grass is of the soil. He shall have seasonable loppings; why? so he shall have seasonable diggings of an open mine. So all these things are rather profits of the tree, than any special property in the tree. But about words we will not differ.

The phrase that the lessee hath a special property in the tree, very improper; for he hath but the profits of the tree.

So as I conclude this part, that the reason and wisdom of law doth match things, as they consort, ascribing to permanent states permanent interest, and to transitory states transitory interest; and you cannot alter this order of law by fancies of clauses and liberties, as I will tell you in the proper place.

And therefore the tree standing belongs clearly to the owner of the inheritance.

Now I come to my second assertion, that by the severance the ownership or property cannot be altered; but that he that had the tree as part of the inheritance before, must have it as a chattel transitory after. This is pregnant and followeth of itself, for it is the same tree still, and, as the Scripture saith, "uti arbor cadet, ita jacet."

The owner of the whole must needs own the parts; he that owneth the cloth owneth the thread, and he that owneth an engine when it is entire, owneth the parts when it is broken; breaking cannot alter property.

And therefore the book in Herlackenden's case doth not stick to give it somewhat plain terms; and to say that it were an absurd thing, that the lease which hath a particular interest in the land, should have absolute property in that which is part of the inheritance: you would have the shadow draw the body, and the twigs draw the trunk. These are truly called absurdities. And therefore in a conclusion so plain, it shall be sufficient to vouch the authorities without enforcing the reasons.

Herlackenden's case

And although the division be good, that was made by Mr. Heath, that there be four manners of severances, that is, when the lessee fells the tree, or when the lessor fells it, or when a stranger fells it; or when the act of God, a tempest, fells it; yet this division tendeth rather to explanation than to proof, and I need it not, because I do maintain that in all these cases the property is in the lessor.

And therefore I will use a distribution which rather presseth the proof. The question is of property. There be three arguments of property; damages, seisure, and grant: and according to these I will examine the property of the trees by the authority of books.

Three arguments of property, damages, seisure, and power to grant.

And first for damages.

For damages, look into the books of the law, and you shall not find the lessee shall ever recover damages, not as they are a badge of property; for the damages, which he recovereth, are of two natures, either for the special property, as they call it, or as he is chargeable over. And for this, to avoid length, I will select three books; one where the lessee shall recover treble damages; another where he shall recover but for his special property; and the third where he shall recover for the body of the tree, which is a special case, and standeth merely upon a special reason.

The first is the book of 44 E. III. f. 27, where it is agreed, that if tenant for life be, and a disseisor commit waste, the lessee shall recover in trespass as he shall answer for waste; but that this is a kind of recovery of damages, though *per accidens*, may appear plainly.

44 E. 3. f. 27.

For if the lessor die, whereby his action is gone, en the disseisor is likewise discharged, otherwise an for the special property.

E. 4. f. 35. The second book is 9 E. IV. f. 35, where it is admitted, that if the lessor nself cut down the tree, the lessee shall recover t for his special profit of shade, pannage, loppings, cause he is not charged over.

E. 3. f. 44. The third is 44 E. III. f. 44, where it is said, that if the lessee fell trees to pair the barn, which is not ruinous in his own delt, and the lessor come and take them away, he all have trespass, and in that case he shall recover the very body of the tree, for he hath an absole property in them for that intent.

Ass. f. 1. And that it is only for that intent appeareth notably by the book 38 Ass. f. If the lessee after he hath cut down the tree ploy it not to reparations, but employ other trees better value, yet it is waste; which showeth ainly the property is respective to the employment.

E. 4. f. 100. Nay, 5 E. IV. f. 100, goeth farther, and showeth, that the special property hich the lessee had was of the living tree, and dermines, as Herlackenden's case saith by severnce; for then "magis dignum trahit ad se minus gnum:" for it saith, that the lessee cannot pay the orkmen's wages with those parts of the tree which e not timber. And so I leave the first demonstraon of property, which is by damages; except you will add the case of 27 H. VIII. f. 13, where it is said, that if tenant for life d he in the reversion join in a lease for years, d lessee for years fell timber-trees, they shall join an action of waste; but he in the reversion shall over the whole damages: and great reason, for e special property was in the lessee for years, the neral in him in the reversion, so the tenant for fe meane had neither the one nor the other.

H. 8. f. 13.

Now for the seisure, you may not look for plentiul authority in that: for the lessor, which had the ore beneficial remedy by action for treble damages, d little reason to resort to the weaker remedy by isure, and leases without impeachment were then re, as I will tell you anon. And therefore the estion of the seisure came chiefly in experience pon the case of the windfalls, which could not be nished by action of waste.

E. 3. pl. 22. First, therefore, the case of 40 E. III. pl. 22, is express, where at the ing's suit, in the behalf of the heir of Darcy who as in ward, the king's lessee was questioned in aste, and justified the taking of the trees, because hey were overthrown by winds, and taken away by stranger. But Knevet saith, although one be uardian, yet the trees, when by their fall they are vered from the freehold, he hath no property of he chattels, but they appertain to the heir, and the eir shall have trespass of them against a stranger, nd not the guardian, no more than the bailiff of a inor. So that that book rules the interest of the ree to be in the heir, and goes to a point farther, hat he shall have trespass for them; but of seisure here had been no question.

So again in 2. H. VII. the words of Brian are, that for the timber-trees the lessor may take them; for they are his; and seemeth to take some difference between them and the gravel. 2 H. 7. f. 14.

The like reason is of the timber of an house, as appears 34 E. III. f. 5, abridged by Brook, tit. *waste*, pl. 34, when it is said, it was doubted who should have the timber of a house which fell by tempest; and saith the book, it seems it doth appertain to the lessor; and good reason, for it is no waste, and the lessee is not bound to re-edify it: and therefore it is reason the lessor have it; but Herlackenden's case goes farther, where it is said that the lessee may help himself with the timber, if he will re-edify it; but clearly he hath no interest but towards a special employment. 34 E. 3. f. 5.

Now you have had a case of the timber-tree, and of the timber of the house, now take a case of the mine, where that of the tree is likewise put, and that is 9 E. IV. f. 35, where it is said by Needham, that if a lease be made of land wherein there is tin, or iron, or lead, or coals, or quarry, and the lessor enter and take the tin or other materials, the lessee shall punish him for coming upon his land, but not for taking of the substances. And so of great trees; but Danby goes farther, and saith, the law that gives him the thing, doth likewise give him means to come by it; but they both agree that the interest is in the lessor. And thus much for the seisure. 9 E. 4. f. 35.

For the grant; it is not so certain a badge of property as the other two; for a man may have a property, and yet not grantable, because it is turned into a right, or otherwise suspended. And therefore it is true, that by the book in 21 H. VI. that if the lessor grant the trees, the grantee shall not take them, no not after the lease expired; because this property is but *de futuro*, expectant; but 'tis as plain on the other side that the lessee cannot grant them, as was resolved in two notable cases, namely, the case of Marwood and Sanders, 41 El. *in communi banco;* where it was ruled, that the tenant of the inheritance may make a feoffment with exception of timber-trees; but that if lessee for life or years set over his estate with an exception of the trees, the exception is utterly void; and the like resolution was in the case between Foster and Mills plaintiff, and Spencer and Boord defendant, 28 Eliz. rot. 820. Marwood and Sanders. C. Foster and Spencer's case.

Now come we to the authorities, which have an appearance to be against us, which are not many, and they be easily answered, not by distinguishing subtilly, but by marking the books advisedly.

1. There be two books that seem to cross the authorities touching the interest of the windfalls, 7 H. VI. and 44 E. III. f. 44, where, upon waste brought and assigned in the succision of trees, the justification is, that they were overthrown by wind, and so the lessee took them for fuel, and allowed for a good plea; but these books are reconciled two ways: first, look into both the justifications, and you shall find that the plea did not rely only in that they were windfalls, 7 H. 6. 44 E. 3. f. 44.

but couples it with this, that they were first sear, and then overthrown by wind; and that makes an end of it, for sear trees belong to the lessee, standing or felled, and you have a special replication in the book of 44 E. III. that the wind did but rend them, and buckle them, and that they bore fruit two years after. And 2ndly, you have ill luck with your windfalls, for they be still apple-trees which are but wastes *per accidens*, as willows or thorns are in the sight of a house; but when they are once felled they are clearly matter of fuel.

Another kind of authorities, that make show against us, are those that say that the lessee shall punish the lessor in trespass for taking the trees, which are 5 H. IV. f. 29, and 1 Mar. Dier. f. 90, Mervin's case; and you might add if you will 9 E. IV. the case vouched before: unto which the answer is, that trespass must be understood for the special property, and not for the body of the tree; for those two books speak not a word, what he shall recover, nor that it shall be to the value. And therefore 9 E. IV. is a good expositor, for that distinguisheth where the other two books speak indefinitely; yea, but 5 H. IV. goes farther, and saith, that the writ shall purport *arbores suas*, which is true in respect of the special property; neither are writs to be varied according to special cases, but are framed to the general case, as upon lands recovered in value in tail, the writ shall suppose *donum*, a gift.

5 H. 4. f. 29. 1 Ma. f. 90.

And the third kind of authority is some books, as 13 H. VII. f. 9, that say, that trespass lies not by the lessor against the lessee for cutting down trees, but only waste; but that it is to be understood of trespass *vi et armis*, and would have come fitly in question, if there had been no seisure in this case.

13 H. 7. f. 9.

Upon all which I conclude, that the whole current of authorities proveth the properties of the trees upon severance to be in the lessor by the rules of the common law: and that although the common law would not so far protect the folly of the lessor, as to give him remedy by action, where the state was created by his own act; yet the law never took from him his property; so that as to the property, before the statute and since, the law was ever one.

Now come I to the third assertion, that the statute of Gloucester hath not transferred the property of the lessee upon an intendment of recompence to the lessor; which needs no long speech: it is grounded upon a probable reason, and upon one special book.

The reason is, that damages are a recompence for property; and therefore that the statute of Gloucester giving damages should exclude property. The authority seems to be 12 E. IV. f. 8, where Catesbey affirming that the lessee at will shall have the great trees, as well as lessee for years or life; Fairfax and Jennings correct it with a difference, that the lessor may take them in the case of tenant at will, because he hath no remedy by the statute, but not in case of the termors.

12 E. 4. f. 8.

This conceit may be reasonable thus far, that the lessee shall not both seise and bring waste; but if he seise, he shall not have his action; if he recover by action, he shall not seise: for a man shall not have both the thing and recompence; it is a bar to the highest inheritance, the kingdom of heaven, "receperunt mercedem suam." But at the first, it is at his election, whether remedy he will use, his as in the case of trespass; where if a man once recover in damages, it hath concluded and turned the property. Nay, I invert the argument upon the force of the statute of Gloucester thus: that if there had been no property at common law, yet the statute of Gloucester, by restraining the waste, and giving an action, doth imply a property: whereto a better case cannot be put than the case upon the statute "de donis conditionalibus," where there are no words to give any reversion or remainder; and yet the statute giving a *formedon*, where it lay not before, being but an action, implies an actual reversion and remainder.

A statute giving an action implieth an interest.

Thus have I passed over the first main part, which I have insisted upon the longer, because I shall have use of it for the clearing of the second.

Now to come to the force of the clause "absque impetitione vasti." This clause must of necessity work in one of these degrees, either by way of grant of property, or by way of power and liberty kept to the state, or by way of discharge of action; whereof the first two I reject, the last I receive.

Therefore I think the other side will not affirm, that this clause amounts to a grant of trees; for then, according to the resolution in Herlackenden's case, they should go to the executors, and the lessee might grant them over, and they might be taken after the state determined. Now it is plain that this liberty is created with the estate, passeth with the estate, and determines with the estate.

No grant of property.

That appears by 5 Hen. V. where it is said, that if lessee for years without impeachment of waste accept a confirmation for life, the privilege is gone.

5 H. 5.

And so are the books in 3 E. III. and 28 H. VIII. that if a lease be made without impeachment of waste *pour autre vie*, the remainder to the lessee for life, the privilege is gone, because he is in of another estate: so then plainly it amounts to no grant of property, neither can it any ways touch the property, nor enlarge the special property of the lessee: for will any man say, that if you put Marwood and Sanders's case of a lease without impeachment of waste, that he may grant the land with the exception of the trees any more than an ordinary lessee? Or shall the windfalls be more his in this case than in the other? for he was not impeachable of waste for windfalls no more than where he hath the clause. Or will any man say, that if a stranger commit waste, such a lessee may seise? These things, I suppose, no man will affirm. Again, why should not a liberty or privilege in law be as strong as a privilege in fact? as in the case of tenant after possibility. Or where there is a lessee for life the remainder for

3 E. 3 28 H. 8.

ife? for in these cases they are privileged from waste, and yet that trenches not the property.

Now therefore to take the second course, that it should be as a real power annexed to the state; neither can that be, for it is the law that moldeth estates, and not men's fancies. And therefore if men by clauses, like voluntaries in music, run not upon the grounds of law, and do restrain an estate more than the law restrains it, or enable an estate more than the law enables it, or guide an estate otherwise than the law guides it, they be mere repugnancies and vanities. And therefore if I make a feoffment in fee, provided the feoffee shall not fell timber, the clause of condition is void. And so on the other side, if I make a lease with a power that he shall fell timber it is void.

So if I make a lease with a power that he may make feoffment, or that he may make leases for forty years, or that if he make default I shall not be received, or that the lessee may do homage; these are plainly void, as against law, and repugnant to the state. No, this cannot be done by way of use, except the words be apt, as in Mildmay's case; neither is this clause, in the sense that they take it, any better.

Therefore laying aside these two constructions, whereof the one is not maintained to be, the other cannot be; let us come to the true sense of this clause, which is by way of discharge of the action, and no more: wherein I will speak first of the words, then of the reason, then of the authorities which prove our sense, then of the practice, which is pretended to prove theirs; and lastly, I will weigh the mischief how it stands for our construction or theirs.

It is an ignorant mistaking of any man to take impeachment for *impedimentum*, and not for *impetitio;* for it is true that *impedimentum* doth extend to all hinderances, or disturbances, or interruptions, as well in *pais* as judicial. But *impetitio* is merely a judicial claim or interruption by suit in law, and upon the matter all one with *implacitatio*. Wherein first we may take light of the derivation of *impetitio*, which is a compound of the preposition *in*, and the verb *peto*, whereof the verb *peto* itself doth signify a demand, but yet properly such a demand as is not *extra judicial:* for the words "petit judicium, petit auditum brevis," etc. are words of acts judicial; as for the demand in *pais*, it is rather *requisitio* than *petitio*, as "licet sæpius requisitus;" so much for the verb *peto*. But the preposition *in* enforceth it more, which signifies *against;* as "Cicero in Verrem, in Catilinam:" and so in composition, to inveigh, is to speak against; so it is such a demand only where there is a party raised to demand against, that is an adversary, which must be in a suit in law; and so it is used in records of law.

As Coke, lib. 1. f. 17, Porter's case, it was pleaded in bar, that "dicta domina regina nunc ipsos Johannem et Henricum Porter petere seu occasionare non debet," that is, *implacitare*.

So likewise Coke l. 1, f. 27, case of Alton woods, "quod dicta domina regina nunc ipsum proinde aliqualiter impetere seu occasionare non debet."

So in the book of entries f. 1, lit. D. 15 H. VII. rot. 2, "inter placita regis, et super hoc venit W. B. commonachus abbatis W. loci illius ordinarii, gerensque vices ipsius abbatis, ad quoscunque clericos de quolibet crimine coram domino rege impetitos sive irritatos calumniand'." So much *ex vi et usu termini*.

For reason: first, it ought to be considered, that the punishment of waste is strict and severe, because the penalty is great, treble damages, and the place wasted: and again, because the lessee must undertake for the acts of strangers: whereupon I infer, that the reason which brought this clause in use, *ab initio*, was caution to save, and to free men from the extremity of the penalty, and not any intention to countermand the property.

Add to this that the law doth assign in most cases double remedy, by matter of suit, and matter in *pais;* for disseisins, actions and entries; for trespasses, action and seisure; for nuisances, action and abatement: and, as Littleton doth instruct us, one of these remedies may be released without touching the other. If the disseissee release all actions, saith Littleton, yet my entry remains; but if I release all demands or remedies, or the like words of a general nature, it doth release the right itself. And therefore I may be of opinion, that if there be a clause of grant in my lease expressed, that if my lessee or his assigns cut down and take away any timber-trees, that I and my heirs will not charge them by action, claim, seisure, or other interruption, either this shall inure by way of covenant only, or if you take it to inure by way of absolute discharge, it amounts to a grant of property in the trees, like as the case of 31 Assis. I grant, that if I pay not you 10*l.* per annum at such feasts, you shall distrain for it in my manor of Dale, though this sound executory in power, yet it amounts to a present grant of a rent. So as I conclude that the discharge of action the law knows, grant of the property the law knows, but this same mathematical power being a power amounting to a property, and yet no property, and knit to a state that cannot bear it, the law knoweth not, "tertium penitus ignoramus."

31 Assis. A clause that sounds to a power amounts to a property, if the state bear it.

For the authorities, they are of three kinds, two by inference, and the third direct.

The first I do collect upon the books of 42 Ed. III. f. 23, and 24, by the difference taken by Mowbray, and agreed by the court, that the law doth intend the clause of disimpeachment of waste to be a discharge special, and not general or absolute; for there the principal case was, that there was a clause in the lease, that the lessor should not demand any right, claim, or challenge in the lands during the life of the lessee. It is resolved by the book, that it is no bar in waste; but that if the clause had been, that the lessee should not have been impeached for waste, clearly a good bar; which demonstrates plainly, that general words, be they never so loud and strong, bear no more than the state will bear, and to any other purpose are idle. But special words that inure

42 E. 3. f. 23, 24.

by way of discharge of action, are good and allowed by law.

4 E. 2. Fitzh. tit. waste 15. 17 E. 3. f. 7. Fitzh. tit. waste 101.

The same reason is of the books 4 Ed. II. Fitzh. tit. waste 15, and 17 E. III. f. 7, Fitzh. tit. waste 101, where there was a clause, "Quod liceat facere commodum suum meliori modo quo poterit." Yet, saith Skipwith, doth this amount, that he shall for the making of his own profit disinherit the lessor? *Nego consequentiam;* so that still the law allows not of the general discharge, but of the special that goeth to the action.

9 H. 6. f. 35. Fitzh. tit. waste 39 32 H. 8. Dyer, f. 47.

The second authority by inference is out of 9 H. VI. fol. 35, Fitzh. tit. waste 39, and 32. H. VIII. Dyer, f. 47, where the learning is taken, that notwithstanding this clause be inserted into a lease, yet a man may reserve unto himself remedy by entry: but say I, if this clause should have that sense, which they on the other side would give it, namely, that it should amount to an absolute privilege and power of disposing, then were the proviso flat repugnant, all one as if it were "absque impetitione vasti, proviso quod non faciet vastum;" which are contradictories: and note well that in the book of 9 H. VI. the proviso is "quod non faciat vastum voluntarium in domibus;" which indeed doth but abridge in one kind, and therefore may stand without repugnancy: but in the latter book it is general, that is to say, "absque impetitione vasti, et si contigerit ipsum facere vastum tunc licebit reintrare." And there Shelley making the objection, that the condition was repugnant, it is salved thus, "sed aliqui tenuerunt," that this word *impetitione vasti* is to be understood that he shall not be impleaded by waste, or punished by action; and so indeed it ought: those "aliqui recte tenuerunt."

27 H. 6. Fitzh. tit. waste 8.

For the authorities direct, they are two, the one 27 H. VI. Fitzh. tit. waste 8, where a lease was made without impeachment of waste, and a stranger committed waste, and the rule is, that the lessee shall recover in trespass only for the crop of the tree, and not for the body of the tree. It is true it comes by a *dicitur*, but it is now a *legitur:* and a *query* there is, and reason, or else this long speech were time ill spent.

And the last authority is the case of Sir Moyle Finch and his mother, referred to my lord Wrey and Sir Roger Manwood, resolved upon conference with other of the judges vouched by Wrey in Herlackenden's case, and reported to my lord chief justice here present, as a resolution of law, being our very case.

Statute, &c. Marlebridge.

And the case to the contrary, I know not one in all the law direct: they press the statute of Marlebridge, which hath an exception in the prohibition, "firmarii non facient vastum, etc. nisi specialem inde habuerint concessionem per scriptum conventionis, mentionem faciens, quod hoc facere possint." This presseth not the question; for no man doubteth, but it will excuse in an action of waste: and again, "nisi habeant specialem concessionem" may be meant of an absolute grant of the trees themselves; and otherwise the clause "absque impetitione vasti" taketh away the force of the statute, and looseth what the statute bindeth; but it toucheth not the property a common law.

Littleton.

For Littleton's case in his title "Of conditions," where it is said, that if a feoffment in fee be made upon condition, that the feoffee shall infeoff the husband and wife, and the heirs of their two bodies; and that the husband die that now the feoffee ought to make a lease without impeachment of waste to the wife, the remainder to the right heirs of the body of her husband and her begotten; whereby it would be inferred, that such a lessee should have equal privilege with tenant in tail: the answer appears in Littleton's own words, which is, that the feoffee ought to go as near as the condition, and as near the intent of the condition as he may. But to come near is not to reach, neither doth Littleton undertake for that.

Culpepper's case 2 Eliz. Dyer, f. 184.

As for Culpepper's case, it is obscurely put, and concluded in division of opinion; but yet so as it rather makes for us. The case is 2 Eliz. Dyer, f. 184, and is in effect this: a man makes a lease for years excepting timber-trees, and afterwards makes a lease without impeachment of waste to John a Style, and then granted the land and trees to John a Down, and binds himself to warrant and save harmless John a Down against John a Style; John a Style cutteth down the trees; the question was, whether the bond were forfeited? and that question resorteth to the other question; whether John a Style, by virtue of such lease, could fell the trees? and held by Weston and Brown that he could not: which proves plainly for us that he had no property by that clause in the tree; though it is true that in that case the exception of the trees turneth the case, and so in effect it proveth neither way.

Practice.

For the practice, if it were so ancient and common as is conceived; yet since the authorities have not approved, but condemned it, it is no better than a popular error: it is but *pessima visa est via*, not *recta visa est via*. But I conceive it to be neither ancient nor common. It is true I find it first in 19 E. II. I mean such a clause, but it is one thing to say that the clause is ancient; and it is another thing to say, that this exposition, which they would now introduce, is ancient. And therefore you must note that a practice doth then expound the law, when the act which is practised, were merely tortious or void, if the law should not approve it: but that is not the case here, for we agree the clause to be lawful; nay, we say that it is in no sort *inutile*, but there is use of it, to avoid this severe penalty of treble damages. But to speak plainly, I will tell you how this clause came in from 13 of E. I. till about 12 of E. IV. The state tail, though it had the qualities of an inheritance, yet it was without power to alien; but as soon as that was set at liberty, by common recoveries, then there must be found some other device, that a man might be an absolute owner of the land for the time, and yet not enabled to alien, and for that purpose was this clause found out: for you shall not find in one amongst a hundred, that farmers had it in their

ases; but those that were once owners of the inheritance, and had put it over to their sons or next eirs, reserved such a beneficial state to themselves. nd therefore the truth is, that the flood of this age came in with perpetuities, save that the perpetuity was to make an inheritance like a stem for fe, and this was to make a stem for life like an heritance; both concurring in this, that they preume to create phantastical estates, contrary to the round of law.

And therefore it is no matter though it went out ith the perpetuities, as it came in, to the end that en that have not the inheritance should not have ower to abuse the inheritance.

And for the mischief, and consideration of *bonum ublicum*, certainly this clause with this opposition endeth but to make houses ruinous, and to leave no imber upon the ground to build them up again; and herefore let men in God's name, when they establish their states, and plant their sons or kinsmen in he inheritance of some portions of their lands, with reservation of the freehold to themselves, use it, and enjoy it in such sort, as may tend *ad ædificationem*, and not *ad destructionem*; for that is good for posterity, and for the state in general.

And for the timber of this realm, it is *vivus thesaurus regni*; and it is the matter of our walls, walls not only of our houses, but of our island: so as it is a general disinherison to the kingdom to favour that exposition, which tends to the decay of it, being so great already; and to favour waste when the times themselves are set upon waste and spoil. Therefore since the reason and authorities of law, and the policy of estate do meet, and that those that have, or shall have such conveyances, may enjoy the benefit of that clause to protect them in a moderate manner, that is, from the penalty of the action; it is both good law and good policy for the kingdom, and not injurious or inconvenient for particulars, to take this clause strictly, and therein to affirm the last report. And so I pray judgment for the plaintiff.

THE ARGUMENT

IN

LOW'S CASE OF TENURES:

IN THE KING'S BENCH.

The manor of Alderwasley, parcel of the duchy, and lying out of the county Palatine, was, before the duchy came to the crown, held of the king by knight's service *in capite*. The land in question was held of the said manor in socage. The duchy and this manor parcel thereof descended to king Hen. IV. King Hen. VIII. by letters patent the 19th of his reign, granted this manor to Anthony Low, grandfather of the ward, and then tenant of the land in question, reserving 26*l.* 10*s.* rent and fealty, "tantum pro omnibus servitiis," and this patent is under the duchy-seal only. The question is, how this tenancy is held, whether *in capite*, or in socage.

The case resteth upon a point, unto which all the questions arising are to be reduced.

The first is, whether this tenancy, being by the grant of the king of the manor to the tenant grown to an unity of possession with the manor, be held as the manor is held, which is expressed in the patent to be in socage.

The second, whether the manor itself be held in socage according to the last reservation; or *in capite* by revivor of the ancient seigniory, which was *in capite* before the duchy came to the crown.

Therefore my first proposition is, that this tenancy, which without all colour is no parcel of the manor, cannot be comprehended within the tenure reserved upon the manor, but that the law createth a several and distinct tenure thereupon, and that not guided according to the express tenure of the manor, but merely *secundum normam legis*, by the intendment and rule of law, which must be a tenure by knight's service *in capite*.

And my second proposition is, that admitting that the tenure of the tenancy should ensue the tenure of the manor; yet nevertheless the manor itself, which was first held of the crown *in capite*, the tenure suspended by the conquest of the duchy to the crown, being now conveyed out of the crown under the duchy-seal only, which hath no power to touch or carry any interest, whereof the king was vested in right of the crown, is now so severed and disjoined from the ancient seigniory, which was *in capite*, as the same ancient seignory is revived, and so the new reservation void; because the manor cannot be charged with two tenures.

This case concerneth one of the greatest and fairest flowers of the crown, which is the king's tenures, and that in their creation; which is more than their

The king's tenures may take more hurt by a resolution in law, than by many suppres-

sions or concealments.

preservation: for if the rules and maxims of law in the first raising of tenures *in capite* be weakened, this nips the flower in the bud, and may do more hurt by a resolution in law, than the losses, which the king's tenures do daily receive by oblivion or suppression, or the neglect of officers, or the iniquity of jurors, or other like blasts, whereby they are continually shaken: and therefore it behoveth us of the king's council to have a special care of this case, as much as in us is, to give satisfaction to the court. Therefore before I come to argue these two points particularly, I will speak something of the favour of law towards tenures *in capite*, as that which will give a force and edge to all that I shall speak afterwards.

No land in the kingdom of England charged by way of tribute, and all land charged by way of tenure.

The constitution of this kingdom appeareth to be a free monarchy in nothing better than in this; that as there is no land of the subject that is charged to the crown by way of tribute, or tax, or talliage, except it be set by parliament; so on the other side there is no land of the subject, but is charged to the crown by tenure, mediate or immediate, and that by the grounds of the common law. This is the excellent temper and commixture of this estate, bearing marks of the sovereignty of the king, and of the freedom of the subject from tax, whose possessions are *feodalia*, not *tributaria*.

Tenures, according to the most general division, are of two natures, the one containing matter of protection, and the other matter of profit: that of protection is likewise double, divine protection and military. The divine protection is chiefly procured by the prayers of holy and devout men; and great pity it is, that it was depraved and corrupted with superstition. This begot the tenure in frankalmoigne, which though in burden it is less than in socage, yet in virtue it is more than knight's service. For we read how, during the while Moses in the mount held up his hands, the Hebrews prevailed in battle; as well as when Elias prayed, rain came after drought, which made the plough go; so that I hold the tenure in frankalmoigne in the first institution indifferent to knight's service and socage. Setting apart this tenure, there remain the other two, that of knight's service, and that of socage; the one tending chiefly to defence and protection, the other to profit and maintenance of life. They are all three comprehended in the ancient verse, "Tu semper ora, tu protege, tuque labora." But between these two services, knight's service and socage, the law of England makes a great difference; for this kingdom, my lords, is a state neither effeminate, nor merchant-like; but the laws give the honour unto arms and military service, like the laws of a nation, before whom Julius Cæsar turned his back, as their own prophet says; "Territa quæsitis ostendit terga Britannis." And therefore howsoever men, upon husband-like considerations of profit, esteem of socage tenures; yet the law, that looketh to the greatness of the kingdom, and proceedeth upon considerations of estate, giveth the pre-eminence altogether to knight's service.

We see that the ward, who is ward for knight's service land, is accounted in law disparaged, if he be tendered a marriage of the burghers parentage and we see that the knight's fees were by the ancient laws the materials of all nobility: for that it appears by divers records how many knights' fees should by computation go to a barony, and so to an earldom. Nay, we see that in the very summons of parliament, the knights of the shire are required to be chosen "milites gladio cincti;" so as the very call, though it were to council, bears a mark of arms and habiliments of war. To conclude, the whole composition of this warlike nation, and the favours of law, tend to the advancement of military virtue and service.

But now farther, amongst the tenures by knight's service, that of the king *in capite* is the most high and worthy: and the reason is double; partly because it is held of the king's crown and person, and partly because the law createth such a privity between the line of the crown and the inheritors of such tenancies, as there cannot be an alienation without the king's licence, the penalty of which alienation was by the common law the forfeiture of the state itself, and by the statute of E. III. is reduced to fine and seisure. And although this also has been unworthily termed by the vulgar, *ut capite*, captivity and thraldom; yet that which they count bondage, the law counteth honour, like to the case of tenants in tail of the king's advancement, which is a great restraint by the statute of 34 H VIII. but yet by that statute it is imputed for an honour. This favour of law to the tenure by knight's service *in capite* produceth this effect, that wheresoever there is no express service effectually limited, or wheresoever that, which was once limited, faileth, the law evermore supplieth a tenure by knight's service *in capite;* if it be a blank once —that the law must fill it up, the law ever with her own hand writes, tenure by knight's service *in capite*. And therefore the resolution was notable by the judges of both benches, that where the king confirmed to his farmers tenants for life, "tenend' per servitia debita," this was a tenure *in capite:* for other services are *servitia requisita*, required by the words of patents or grants; but that only is *servitium debitum*, by the rules of law.

The course therefore that I will hold in the proof of the first main point, shall be this. First, I will show, maintain, and fortify my former grounds, that wheresoever the law createth the tenure of the king, the law hath no variety, but always raiseth a tenure *in capite*.

Secondly, that in the case present there is not any such tenure expressed, as can take place, and exclude the tenure in law, but that there is as it were a lapse to the law.

And lastly, I will show in what cases the former general rule receiveth some show of exception; and will show the difference between them and our case wherein I shall include an answer to all that has been said on the other side.

For my first proposition I will divide into four

branches: first, I say, where there is no tenure reserved, the law createth a tenure *in capite;* secondly, where the tenure is uncertain; thirdly, where the tenure reserved is impossible or repugnant to law; and lastly, where a tenure once created is afterwards extinct.

Per Priscot in fine 33 H. 6. 7 8 H. 7. f. 1 b.

For the first, if the king give lands and say nothing of the tenure; this is a tenure *in capite;* nay, if the king give whiteacre, and blackacre, and reserves a tenure only of whiteacre, and that a tenure expressed to be in socage; yet you shall not for fellowship' sake, because they are in one patent, intend the like tenure of blackacre; but that shall be held *in capite.*

So if the king grant land, held as of a manor, with warranty, and a special clause of recompence, and the tenant be impleaded, and recover in value, this land shall be held *in capite,* and not of the manor.

So if the king exchange the manor of Dale for the manor of Sale, which is held in socage, although it be by the word *excambium;* yet that goeth to equality of the state, not of the tenure, and the manor of Dale, if no tenure be expressed, shall be held *in capite.* So much for silence of tenure.

For the second branch, which is incertainty of tenure; first, where an *ignoramus* is found by office, this by the common law is a tenure *in capite,* which is most for the king's benefit; and the presumption of law is so strong, that it amounts to a direct finding or affirmative, and the party shall have a negative or traverse, which is somewhat strange to a thing indefinite.

5 Mar. Dyer. 14 Eliz. Dyer. 3 Eng.

So if in ancient time, one held of the king, as of a manor by knight's service, and the land return to the king by attainder, and then the king granteth it "tenend' per fidelitatem tantum," and it returneth the second time to the king, and the king granteth it "per servitia antehac consueta;" now because of the incertainty neither service shall take place, and the tenure shall be *in capite,* as was the opinion of you, my lord chief justice, where you were commissioner to find an office after Austin's death.

Austin's office.

So if the king grant land "tenend' de manerio de East Greenwich vel de honore de Hampton;" this is void for the non-certainty, and shall be held of the king *in capite.*

For the third branch, if the king limit land to be discharged of tenure, as "absque aliquo inde reddendo," this is a tenure *in capite;* and yet if one should go to the next, *ad proximum,* it should be a socage, for the least is next to none at all: but you may not take the king's grant by argument; but where they cannot take place effectually and punctually, as they are expressed, there you shall resort wholly to the judgment of the law.

33 H. 6. f. 7.

So if the king grant land "tenend' si frankment come il en son corone," this is a tenure *in capite.*

14 H. 6. f. 12.

If land be given to be held of a lordship not capable, as of Salisbury plain, or a corporation not *in esse,* or of the manor of a subject, this is a tenure *in capite.*

Merefield's case.

So if land be given to hold by impossible service, as by performing the office of the sheriff of Yorkshire, which no man can do but the sheriff, and fealty for all service, this is a tenure *in capite.*

For the fourth branch, which cometh nearest to our case; let us see where a seigniory was once, and is after extinguished; this may be in two manners, by release in fact, or by unity of possession, which is a release or discharge in law.

And therefore let the case be, that the king releaseth to his tenant that holds of him in socage; this release is good, and the tenant shall hold now *in capite,* for the former tenure being discharged, the tenure in law ariseth.

Vide 30 H. 8. Dyer. 8 H. 7. f. 13.

So the case, which is in 1 E. III. a fine is levied to J. S. in tail, the remainder ouster to the king, the state tail shall be held *in capite,* and the first tenancy, if it were in socage, by the unity of the tenancy, shall be discharged, and a new raised thereupon: and therefore the opinion, or rather the *query* in Dyer no law.

1 E. 3. f. 4. fine accept.

Thus much for my major proposition; now for the minor, or the assumption, it is this: first, that the land in question is discharged of tenure by the purchase of the manor; then that the reservation of the service upon the manor cannot possibly inure to the tenancy; and then if a corruption be of the first tenure, and no generation of the new; then cometh in the tenure *per normam legis,* which is *in capite.*

4 et 5 P. M.

And the course of my proof shall be *ab enumeratione partium,* which is one of the clearest and most forcible kinds of argument.

If this parcel of land be held by fealty and rent *tantum,* either it is the old fealty before the purchase of the manor, or it is the new fealty reserved and expressed upon the grant of the manor; or it is a new fealty raised by intendment of law in conformity and congruity of the fealty reserved upon the manor; but none of these, *ergo,* &c.

That it should be the old fealty, is void of sense; for it is not *ad eosdem terminos.* The first fealty was between the tenancy and the manor, that tenure is by the unity extinct. Secondly, that was a tenure of a manor, this is a tenure in gross. Thirdly, the rent of 26*l.* 10*s.* must needs be new, and will you have a new rent with an old fealty? These things are *portenta in lege;* nay I demand, if the tenure of the tenancy, Low's tenure, had been by knight's service, would you have said that had remained? No, but that it was altered by the new reservation; *ergo,* no colour of the old fealty.

That it cannot be the new fealty is also manifest; for the new reservation is upon the manor, and this is no part of the manor: for if it had escheated to the king in an ordinary escheat, or come to him upon a mortmain, in these cases it had come in lieu of the seigniory, and been parcel of the manor, and so within the reservation, but clearly not upon a purchase in fact.

Again, the reservation cannot inure, but upon that which is granted; and this tenancy was never grant-

ed, but was in the tenant before; and therefore no colour it should come under the reservation. But if it be said, that nevertheless the seigniory of that tenancy was parcel of the manor, and is also granted; and although it be extinct in substance, yet it may be *in esse* as to the king's service: this deserveth answer: for this assertion may be colourably inferred out of Carr's case.

9 Eliz. Coke, Lib. 3. f. 30.

King Edw. VI. grants a manor, rendering 94*l.* rent in fee farm *tenendum de East Greenwich* in socage; and after, queen Mary granteth these rents amongst other things *tenendum in capite*, and the grantee released to the heir of the tenant; yet the rent shall be *in esse*, as to the king, but the land, saith the book, shall be deviseable by the statute for the whole, as not held *in capite*.

And so the case of the honour of Pickeringe, where the king granted the bailywick rendering rent: and after granted the honour, and the bailywick became forfeited, and the grantee took forfeiture thereof, whereby it was extinct; yet the rent remaineth as to the king out of the bailywick extinct.

25 Ass. pl. 60.

These two cases partly make not against us, and partly make for us: there be two differences that avoid them. First, there the tenures or rents are *in esse* in those cases for the king's benefit, and here they should be *in esse* to the king's prejudice, who should otherwise have a more beneficial tenure. Again, in these cases the first reservation was of a thing *in esse*, at the time of the reservation; and then there is no reason the act subsequent of the king's tenant should prejudice the king's interest once vested and settled: but here the reservation was never good, because it is out of a thing extinct in the instant.

But the plain reason which turneth Carr's case mainly for us, is; for that where the tenure is of a rent or seigniory, which is afterwards drowned or extinct in the land; yet the law judgeth the same rent or seigniory to be *in esse*, as to support the tenure: but of what? Only of the same rent or seigniory, and never of the land itself; for the land shall be held by the same tenure it was before. And so is the rule of Carr's case, where it is adjudged, that though the rent be held *in capite*, yet the land was nevertheless deviseable for the whole, as no ways charged with that tenure.

Why then, in our case, let the fealty be reserved out of the seigniory extinct, yet that toucheth not at all the land: and then of necessity the land must be also held; and therefore you must seek out a new tenure for the land, and that must be *in capite*.

And let this be noted once for all, that our case is not like the common cases of a menalty extinct, where the tenant shall hold of the lord, as the mean held before; as where the menalty is granted to the tenant, or where the tenancy is granted to the mean, or where the menalty descendeth to the tenant, or where the menalty is forejudged. In all these cases the tenancy, I grant, is held as the menalty was held before, and the difference is because there was an old seigniory in being; which remaineth untouched and unaltered, save that it is drawn a degree nearer to the land, so as there is no question in the world of a new tenure; but in our case there was no lord paramount, for the manor itself was in the crown, and not held at all, nor no seigniory of the manor in *esse*; so as the question is wholly upon the creation of a new seigniory, and not upon the continuance of an old.

For the third course, that the law should create a new distinct tenure by fealty of this parcel, guided by the express tenure upon the manor; it is the probablest course of the three: but yet if the former authorities I have alleged be well understood and marked, they show the law plainly, that it cannot be; for you shall ever take the king's grant *ad idem*, and not *ad simile*, or *ad proximum*; no more than in the case of the *absque aliquo reddendo*, or as free as the crown: who would not say that in those cases it should amount to a socage tenure? for *minimum est nihilo proximum*; and yet they are tenures by knight's service *in capite*. So if the king by one patent pass two acres, and a fealty reserved but upon the one of them, you shall not resort to this "ut expressum servitium regat, vel declaret tacitum." No more shall you in our case imply that the express tenure reserved upon the manor shall govern or declare the tenure of the tenancy, or control the intendment of law concerning the same.

Now will I answer the cases, which give some shadow on the contrary side, and show they have their particular reasons, and do not impugn our case.

First, if the king have land by attainder of treason, and grant the land to be held of himself, and of other lords, this is no new tenure *per normam legis communis*; but the old tenure *per normam statuti*, which taketh away the intendment of the common law; for the statute directeth it so, and otherwise the king shall do a wrong.

So if the king grant land parcel of the demesne of a manor *tenendum de nobis*, or reserving no tenure at all, this is a tenure of the manor or of the honour, and not *in capite*: for here the more vehement presumption controlleth the less; for the law doth presume the king hath no intent to dismember it from the manor, and so to lose his court and the perquisites.

So if the king grant land *tenendum* by a rose *pro omnibus servitiis*; this is not like the cases of the *absque aliquo inde reddendo*, or as free as the crown: for *pro omnibus servitiis* shall be intended for all express service: whereas fealty is incident, and passeth tacit, and so it is no impossible or repugnant reservation.

25 H. 6. f. 56. 2

The case of the frankalmoigne, I mean the case where the king grants lands of the Templers to J. S. to hold as the Templers did, which cannot be frankalmoigne; and yet hath been ruled to be no tenure by knight's service *in capite*, but only a socage tenure, is easily answered; for that the frankalmoigne is but a *species* of a tenure in socage with a privilege, so the privilege ceaseth, and the tenure remains.

This is no frankalmoigne.

Wood's case.

To conclude therefore, I sum up my arguments

thus. My major is, where *calamus legis* doth write the tenure, it is knight's service *in capite*. My minor is, this tenure is left to the law; *ergo* this tenure is *in capite*.

For the second point, I will first speak of it according to the rules of the common law, and then upon the statutes of the duchy.

First I do grant, that where a seigniory and a tenancy, or a rent and land, or trees and land, or the like primitive and secondary interest, are conjoined in one person, yea though it be in *autre droit;* yet if it be of like perdurable estate, they are so extinct, as by act in law they may be revived, but by grant they cannot.

For if a man have a seigniory in his own right, and the land descend to his wife, and his wife dieth without issue, the seigniory is revived; but if he will make a feoffment in fee, saving his rent, he cannot do it. But there is a great difference, and let it be well observed, between *autre capacitie*, and *autre droit;* for in case of *autre capacitie* the interests are *contigua*, and not *continua*, conjoined, but not confounded. And therefore if the master of an hospital have a seigniory, and the mayor and commonalty of St. Alban's have a tenancy, and the master of the hospital be made mayor, and the mayor grant away the tenancy under the seal of the mayor and commonalty, the seigniory of the hospital is revived.

So between natural capacity and politic, if a man have a seigniory to him and his heirs, and a bishop is tenant, and the lord is made bishop, and the bishop before the statute grants away the land under the chapter's seal, the seigniory is revived.

The same reason is between the capacity of the crown and the capacity of the duchy, which is in the king's natural capacity, though illustrated with some privileges of the crown; if the king have the seigniory in the right of his crown, and the tenancy in the right of the duchy, as our case is, and make a feoffment of the tenancy, the tenure must be revived; and this is by the ground of the common law. But the case is the more strong by reason of the statute of 1 H. IV. 3 H. V. and 1 H. VII. of the duchy, by which the duchy-seal is enabled to pass lands of the duchy, but no ways to touch the crown: and whether the king be in actual possession of the thing that should pass, or have only a right, or a condition, or a thing in suspense, as our case is, all is one; for that seal will not extinguish so much as a spark of that which is in the right of the crown; and so a plain revivor.

And if it be said that a mischief will follow; for that upon every duchy patent men shall not know how to hold, because men must go back to the ancient tenure, and not rest in the tenure limited: for this mischief there grows an easy remedy, which likewise is now in use, which is to take both seals, and then all is safe.

Secondly, as the king cannot under the duchy-seal grant away his ancient seigniory in the right of his crown; so he cannot make any new reservation by that seal, and so of necessity it falleth to the law to make the tenure: for every reservation must be of the nature of that that passeth, as a dean and chapter cannot grant land of the chapter, and reserve a rent to the dean and his heirs, nor *e converso:* nor no more can the king grant land of the duchy under that seal, and reserve a tenure to the crown: and therefore it is warily put in the end of the case of the duchy in the commentaries, where it is said, if the king make a feoffment of the duchy land, the feoffee shall hold *in capite;* but not a word of that it should be by way of express reservation, but upon a feoffment simply, the law shall work it and supply it.

To conclude, there is direct authority in the point, but that it is *via versa;* and it was the bishop of Salisbury's case: The king had in the right of the duchy a rent issuing out of land, which was monastery land, which he had in the right of the crown, and granted away the land under the great seal to the bishop; and yet nevertheless the rent continued to the duchy, and so upon great and grave advice it was in the duchy decreed: so as your lordship seeth, whether you take the tenure of the tenancy, or the tenure of the manor, this land must be held *in capite*. And therefore, &c.

THE

CASE OF REVOCATION OF USES,

IN THE KING'S BENCH.

The Case shortly put, without names or dates more than of necessity, is this.

Sir John Stanhope conveys the manor of Burrough-ash to his lady for part of her jointure, and intending, as is manifest, not to restrain himself, nor his son, from disposing some proportion of that land according to their occasions, so as my lady were at no loss by the exchange, inserteth into the conveyance a power of revocation and alteration in this manner; provided that it shall be lawful for himself and his son successively to alter and make void the uses, and to limit and appoint new uses, so it exceed not the value of 20*l.* to be computed after the rents

then answered: and that immediately after such declaration, or making void, the feoffees shall stand seised to such new uses; *Ita quod* he or his son, within six months after such declaration, or making void, shall assure, within the same town, "tantum terrarum, et tenementorum, et similis valoris," as were revoked, to the uses expressed in the first conveyance.

Sir John Stanhope his son revokes the land in Burrough-ash, and other parcels not exceeding the value of 20*l.* and within six months assures to my lady and to the former uses Burton-joice and other lands; and the jury have found that the lands revoked contain twice so much in number of acres, and twice so much in yearly value as the new lands, but yet that the new lands are rented at 21*l.* and find the lands of Burrough-ash, now out of lease formerly made: and that no notice of this new assurance was given before the ejectment, but only that Sir John Stanhope had by word told his mother, that such an assurance was made, not showing or delivering the deed.

The question is, Whether Burrough-ash be well revoked? Which question divides itself into three points.

First, whether the *ita quod* be a void and idle clause? for if so, then there needs no new assurance, but the revocation is absolute *per se*.

The next is, if it be an effectual clause, whether it be pursued or no? wherein the question will rest, whether the value of the re-assured lands shall be only computed by rents?

And the third is, if in other points it should be well pursued, yet whether the revocation can work until a sufficient notice of the new assurance?

And I shall prove plainly, that *ita quod* stands well with the power of revocation; and if it should fall to the ground, it draws all the rest of the clause with it, and makes the whole void, and cannot be void alone by itself.

I shall prove likewise that the value must needs be accounted not a tale value, or an arithmetical value by the rent, but a true value in quantity and quality.

And lastly, that a notice is of necessity, as this case is.

I will not deny, but it is a great power of wit to make clear things doubtful; but it is the true use of wit to make doubtful things clear, or at least to maintain things that are clear, to be clear, as they are. And in that kind I conceive my labour will be in this case, which I hold to be a case rather of novelty than difficulty, and therefore may require argument, but will not endure much argument: but to speak plainly to my understanding, as the case hath no equity in it, I might say piety, so it hath no great doubt in law.

First, therefore, this it is, that I affirm, that the clause, *so that, ita quod*, containing the recompence governs the clause precedent of the power, and that it makes it wait and expect otherwise than as by way of inception, but the effect and operation is suspended, till that part also be performed: and if otherwise, then I say plainly, you shall not construe by fractions; but the whole clause and power is void, not *in tanto*, but *in toto*. Of the first of them I will give four reasons.

The first reason is, that the wisdom of the law useth to transpose words according to the sense; and not so much to respect how the words do take place, but how the acts, which are guided by those words, may take place.

Hill and Graunger's case comment. 171. A man in August makes a lease rendering 10*l.* rent yearly to be paid at the feast of Annunciation and Michaelmas; these words shall be inverted by law, as if they had been set thus, at Michaelmas and the Annunciation: for else he cannot have a rent yearly; for there will be fourteen months to the first year.

Hill and Graunger's case, com. f. 171.

Fitz-Williams's case, 2 Jac. Co. p. 6, f. 33, it was contained in an indenture of uses, that Sir William Fitz-Williams should have power to alter and change, revoke, determine, and make void the uses limited: the words are placed disorderly; for it is in nature first to determine the uses, and after to change them by limitation of new. But the chief question being in the book, whether it might be done by the same deed it is admitted and thought not worth the speaking to, that the law shall marshal the acts against the order of the words, that is, first to make void, then to limit.

Fitz-Williams's case, 2 Jac. Co. p. 6, f. 33.

So if I convey land and covenant with you to make farther assurance, so that you require it of me, there though the request be placed last, yet it must be acted first.

So if I let land to you for a term, and say farther, it shall be lawful for you to take twenty timber-trees to erect a new tenement upon the land, so that my bailiff do assign you where you shall take them; here the assignment, though last placed, must precede. And therefore the grammarians do infer well upon the word *period*, which is a full and complete clause or sentence, that it is "complexus orationis circularis:" for as in a circle there is not *prius* nor *posterius*, so in one sentence you shall not respect the placing of words; but though the words be in length, yet the sense is round, so as "prima erunt novissima, et novissima prima." For though you cannot speak all at once so, yet you must construe and judge upon all at once.

To apply this; I say these words, *so that*, though "loco et textu posteriora," yet they be "potestate et sensu priora:" as if they had been penned thus, that it shall be lawful for Sir Thomas Stanhope, so that he assure lands, &c. to revoke; and what difference between, so that he assure, he may revoke; or, he may revoke, so that he assure: for you must either make the *so that* to be precedent or void, as I shall tell you anon. And therefore the law will rather invert the words, than pervert the sense

But it will be said, that in the cases I put, it is left indefinite, when the act last limited shall be performed; and so the law may marshal it, as it may stand with possibility; and so if it had been in this case no more but, *so that* Sir Thomas or John should assure new lands, and no time spoken of, the law might have intended it precedent. But in this case

it is precisely put to be at any time within six months after the declaration, and therefore you cannot vary in the times.

To this I answer, that the new assurance must be in deed in time after the instrument or deed of the declaration; but on the other side, it must be time precedent to the operation of the law, by determining the uses thereupon: so as it is not to be applied so much to the declaration itself, but to the warrant of the declaration. It shall be lawful, so that, &c. And this will appear more plainly by my second reason, to which now I come; for as for the cavillation upon the word *immediately*, I will speak to it after.

My second reason therefore is out of the use and signification of this conjunction or bond of speech, *so that:* for no man will make any great doubt of it, if the words had been *si*, if Sir Thomas shall within six months of such declaration convey; but that it must have been intended precedent; yet if you mark it well, these words *ita quod* and *si*, howsoever in propriety the *ita quod* may seem subsequent, and the *si* precedent, yet they both bow to the sense.

4 E. 6 Pl. Com. Colthurst's case.

So we see in 4 Edw. VI. Colthurst's case, a man leaseth to J. S. a house, "si ipse vellet habitare, et residens esse;" there the word *si* amounts to a condition subsequent; for he could not be resident before he took the state; and so *via versa* may *ita quod* be precedent, for else it must be idle or void. But I go farther, for I say *ita quod*, though it be good words of condition, yet more properly it is neither condition, precedent, nor subsequent, but rather a qualification, or form, or adherent to the acts, whereto it is joined, and made part of their essence, which will appear evidently by other cases. For allow it had been thus, *so that the deed of declaration be enrolled* within six months, this is all one, as by deed enrolled within six months, as it is said in

Digg's case. 42 Eliz. Co. P. f. 173.

Digg's case 42 Eliz. f. 173, that by deed indented to be enrolled is all one with deed indented and enrolled. It is but a *modus faciendi*, a description, and of the same nature is the *ita quod:* so if it had been thus, it shall be lawful for Sir Thomas to declare, so that the declaration be with the consent of my lord chief justice, is it not all one with the more compendious form of penning, that Sir Thomas shall declare with the consent of my lord chief justice? And if it had been thus, so that Sir John within six months after such declaration shall obtain the consent of my lord chief justice, should not the uses have expected? But these you will say are forms and circumstances annexed to the conveyance required: why surely any collateral matter coupled by the *ita quod* is as strong? If the *ita quod* had been, that Sir John Stanhope within six months should have paid my lady 1000*l.* or entered into bond never more to disturb her, or the like, all these make but one entire idea or notion, how that his power should not be categorical, or simple at pleasure, but hypothetical, and qualified, and restrained, that is to say, not the one without the other, and they are parts incorporated into the nature and essence of the authority itself.

The third reason is the justice of the law in taking words so, as no material part of the parties' intent perish: for, as one saith, "præstat torquere verba quam homines," better wrest words out of place, than my lady Stanhope out of her jointure, that was meant to her. And therefore it is elegantly said in Fitz-Williams's case, which I vouched before, though words be contradictory, and, to use the phrase of the book, "pugnant tanquam ex diametro;" yet the law delighteth to make atonement, as well between words as between parties, and will reconcile them so as they may stand, and abhorreth a *vacuum*, as well as nature abhorreth it; and as nature to avoid a *vacuum* will draw substances contrary to their propriety, so will the law draw words. Therefore saith Littleton, if I make a feoffment *reddendo* rent to a stranger, this is a condition to the feoffor, rather than it shall be void, which is quite cross; it sounds a rent, it works a condition, it is limited to a third person, it inureth to the feoffor; and yet the law favoureth not conditions, but to avoid a *vacuum*.

So in the case of 45 E. III. a man gives land in frank-marriage, the remainder in fee. The frank-marriage is first put, and that can be but by tenure of the donor; yet rather than the remainder should be void, though it be last placed, the frank-marriage being but a privilege of estate shall be destroyed. 45 E. 3.

So 33 H. VI. Tressham's case: the king granteth a wardship, before it fall; good, because it cannot inure by covenant, and if it should not be good by plea, as the book terms it, it were void; so that, no, not in the king's case, the law will not admit words to be void.

So then the intent appears most plainly, that this act of Sir John should be *actus geminus*, a kind of twine to take back, and to give back, and to make an exchange, and not a resumption; and therefore upon a conceit of repugnancy, to take the one part, which is the privation of my lady's jointure, and not the other, which is the restitution or compensation, were a thing utterly injurious in matter, and absurd in construction.

The fourth reason is out of the nature of the conveyance, which is by way of use, and therefore ought to be construed more favourably according to the intent, and not literally or strictly: for although it be said in Frene and Dillon's case, and in Fitz-Williams's case, that it is safe so to construe the statute of 27 H. VIII. as that uses may be made subject to the rules of the common law, which the professors of the law do know, and not leave them to be extravagant and irregular; yet if the late authorities be well marked, and the reason of them, you shall find this difference, that uses in point of operation are reduced to a kind of conformity with the rules of the common law, but that in point of exposition of words, they retain somewhat of their ancient nature, and are expounded more liberally according to the intent; for with that part the statute of 27 doth not meddle. And therefore if the question be, whether a bargain and sale upon con-

dition be good to reduce the state back without an entry? or whether if a man make a feoffment in fee to the use of John a Style for years, the remainder to the right heirs of John a Downe, this remainder be good or no? these cases will follow the grounds of the common law for possessions, in point of operation; but so will it not be in point of exposition.

For if I have the manor of Dale and the manor of Sale lying both in Vale, and I make a lease for life of them both, the remainder of the manor of Dale, and all other my lands in Vale to John a Style, the remainder of the manor of Sale to John a Downe, this latter remainder is void, because it comes too late, the general words having carried it before to John a Style. But put it by way of use, a man makes a feoffment in fee of both manors, and limits the use of the manor of Dale, and all other the lands in Vale, to the use of himself, and his wife for her jointure, and of the manor of Sale to the use of himself alone. Now his wife shall have no jointure in the manor of Sale, and so was it judged in the case of the manor of Odiam.

The case of the manor of Odiam.

And therefore our case is more strong, being by way of use, and you may well construe the latter part to control and qualify the first, and to make it attend and expect: nay, it is not amiss to see the case of Peryman, 41 Eliz. Coke, p. 5, f. 84, where by a custom a livery may expect; for the case was, that in the manor of Porchester, the custom was, that a feoffment of land should not be good, except it were presented within a year in the court of the manor, and there ruled that it was but *actus inchoatus*, till it was presented; now if it be not merely against reason of law, that so solemn a conveyance as livery, which keeps state, I tell you, and will not wait, should expect a farther perfection, *a fortiori* may a conveyance in use or declaration of use receive a consummation by degrees, and several acts. And thus much for the main point.

41 Eliz. Co. p. 5. f. 84.

Now for the objection of the word *immediate*, it is but light and a kind of sophistry. They say that the words are, that the uses shall rise immediately after the declaration, and we would have an interposition of an act between, namely, that there should be a declaration first, then a new assurance within the six months; and lastly, the uses to rise; whereunto the answer is easy; for we have showed before, that the declaration and the new assurance are in the intent of him that made the conveyance, and likewise in eye of law, but as one compounded act. So as *immediately after the declaration* must be understood of a perfect and effectual declaration, with the adjuncts and accouplements expressed.

So we see in 49 E. III. f. 11, if a man be attainted of felony, that holds lands of a common person, the king shall have his year, day, and waste: but when? Not before an office found: and yet the words of the statute of *prærogativa regis* are, "rex habebit catalla felonum, et si ipsi habent liberum tenementum, statim capiatur in manus domini, et rex habebit annum, diem, et vastum:" and here the word *statim* is understood of the effectual and lawful time, that is, after office found.

49 E. 3. f. 11.

So in 2 H. IV. f. 17, it appears that by the statute of Acton Burnell, if the debt be acknowledged, and the day past, that the goods of the debtors shall be sold *statim*, in French *maintenant;* yet nevertheless this *statim* shall not be understood, before the process of law requisite passed, that is, the day comprised in the extent.

2 H. 4. f. 17

So it is said 27 H. VIII. f. 19, by Audly the chancellor, that the present tense shall be taken for the future; *a fortiori*, say I, the immediate future tense may be taken for a distant future tense; as if I be bound that my son being of the age of twenty-one years shall marry your daughter, and that he be now of twelve years: yet this shall be understood, when he shall be of the age of twenty-one years. And so in our case, "immediately after the declaration" is intended when all things shall be performed, that are coupled with the said declaration.

27 H. 8. f. 19

But in this I doubt I labour too much; for no man will be of opinion, that it was intended that the lady Stanhope should be six whole months without either the old jointure or the new; but that the old should expect until the new were settled without any *interim*. And so I conclude this course of atonements, as Fitz-Williams's case calls it, whereby I have proved, that all the words, by a true marshalling of the acts, may stand according to the intent of the parties.

I may add *tanquam ex abundanti*, that if both clauses do not live together, they must both die together; for the law loves neither fractions of estates, nor fractions of constructions; and therefore in Jermin and Askew's case, 37 Eliz. a man did devise lands in tail with proviso, that if the devisee did attempt to alien, his estate should cease, as if he were naturally dead. Is it said there, that the words, "as if he were naturally dead," shall be void, and the words, that "his estate shall cease," good? No, but the whole clause shall be void. And it is all one reason of a *so that*, as of an *as if*, for they both suspend the sentence.

Jermin and Askew's case.

So if I make a lease for life, upon condition he shall not alien, nor take the profits, shall this be good for the first part, and void for the second? No, but it shall be void for both.

So if the power of declaration of uses had been thus penned, that Sir John Stanhope might by his deed indented declare new uses, so that the deed were enrolled before the mayor of St. Albans, who hath no power to take enrolments: or so that the deed were made in such sort, as might not be made void by parliament: in all these and the like cases the impossibility of the last part doth strike upwards, and infect, and destroy the whole clause. And therefore, that all the words may stand, is the first and true course; that all the words be void, is the second and probable; but that the revoking part should be good, and the assurance part void, hath neither truth nor probability.

Now come I to the second point, how this value

should be measured, wherein methinks you are as ill a measurer of values, as you are an expounder of words; which point I will divide, first considering what the law doth generally intend by the word *value;* and secondly to see what special words may be in these clauses, either to draw it to a value of a present arrentation, or to understand it of a just and true value.

The word *value* is a word well known to the law, and therefore cannot be, except it be willingly, misunderstood. By the common law there is upon a warranty a recovery in value. I put the case therefore that I make a feoffment in fee with warranty of the manor of Dale, being worth 20*l.* *per annum*, and then in lease for 20*s*. The lease expires, for that is our case, though I hold it not needful, the question is, whether upon an eviction there shall not be recovered from me land to the value of 20*l.*

So if a man give land in frank-marriage then rented at 40*l.* and no more worth; there descendeth other lands, let perhaps for a year or two for 20*l.* but worth 80*l.* shall not the donee be at liberty to put this land in hotchpotch?

So if two parceners be in tail, and they make partition of lands equal in rent, but far unequal in value, shall this bind their issues? By no means; for there is no calendar so false to judge of values as the rent, being sometimes improved, sometimes ancient, sometimes where great fines have been taken, sometimes where no fines; so as in point of recompence you were as good put false weights into the hands of the law, as to bring in this interpretation of value by a present arrentation. But this is not worth the speaking to in general; that which giveth colour is the special words in the clause of revocation, that the 20*l.* value should be according to the rents then answered; and therefore that there should be a correspondence in the computation likewise of the recompence. But this is so far from countenancing that exposition, as, well noted, it crosseth it; for "opposita juxta se posita magis elucescunt:" first, it may be, the intent of Sir Thomas, in the first clause, was double, partly to exclude any land in demesne, partly knowing the land was double, and as some say quadruple, better than the rent, he would have the more scope of revocation under his 20*l.* value.

But what is this to the clause of recompence? first, are there any words "secundum computationem prædictam?" There are none. Secondly, doth the clause rest upon the words "similis valoris?" No, but joineth "tantum et similis valoris:" confound not predicaments; for they are the mere-stones of reason. Here is both quantity and quality; nay, he saith farther, within the same towns. Why, marry, it is somewhat to have men's possessions lie about them, and not dispersed. So that it must be as much, as good, as near; so plainly doth the intent appear, that my lady should not be a loser.

[For the point of the notice, it was discharged by the court.]

THE

JURISDICTION OF THE MARCHES.

The effect of the first argument of the king's solicitor-general, in maintaining the jurisdiction of the council of the marches over the four shires.

The question for the present is only upon the statute of 32 H. VIII. and though it be a great question, yet it is contracted into small room; for it is but a true construction of a monosyllable, the word *march.*

The exposition of all words resteth upon three proofs, the propriety of the word, and the matter precedent, and subsequent.

Matter precedent concerning the intent of those that speak the words, and matter subsequent touching the conceit and understanding of those that construe and receive them.

First therefore as to *vis termini*, the force and propriety of the word; this word *marches* signifieth no more but limits, or confines, or borders, in Latin *limites*, or *confinia*, or *contermina;* and thereof was derived at the first *marchio*, a marquiss, which was *comes limitaneus.*

Now these limits cannot be *linea imaginaria*, but it must have some contents and dimension, and that can be no other but the counties adjacent: and for this construction we need not wander out of our own state, for we see the counties of Northumberland, Cumberland, and Westmoreland, lately the borders upon Scotland. Now the middle shires were commonly called the east, west, and middle *marches.*

To proceed therefore to the intention of those that made the statute, in the use of this word; I shall prove that the parliament took it in this sense by three several arguments.

The first is, that otherwise the word should be idle; and it is a rule "verba sunt accipienda, ut sortientur affectum:" for this word *marches*, as is confessed on the other side, must be either for the counties' marches, which is our sense, or the lordships' marchers, which is theirs; that is, such lordships, as by reason of the incursions and infestation of the Welsh, in ancient time, were not under the constant possession of either dominion, but like the bateable ground where the war played. Now

if this latter sense be destroyed, then all equivocation ceaseth.

That it is destroyed, appears manifestly by the statute of 27 H. VIII. made seven years before the statute of which we dispute: for by that statute all the lordships' marchers are made shire ground, being either annexed to the ancient counties of Wales, or to the ancient counties of England, or erected into new counties, and made parcel of the dominion of Wales, and so no more marches after the statute of 27; so as there were no marches in that sense at the time of the making of the statute of 34.

The second argument is from the comparing of the place of the statute, whereupon our doubt riseth, namely, that there shall be and remain a lord president and council in the dominion of Wales and the marches of the same, &c. with another place of the same statute, where the word *marches* is left out; for the rule is, "opposita juxta se posita magis elucescunt." There is a clause in the statute, which gives power and authority to the king to make and alter laws for the weal of his subjects of his dominion of Wales: there the word *marches* is omitted, because it was not thought reasonable to invest the king with the power to alter the laws, which is the subjects' birthright, in any part of the realm of England; and therefore by the omission of the word *marches* in that place, you may manifestly collect the signification of the word in the other, that is to be meant of the four counties of England.

The third argument which we will use is this; the council of the marches was not erected by the act of parliament, but confirmed; for there was a president and council long before in E. IV. his time, by matter yet appearing; and it is evident upon the statute itself, that in the very clause which we now handle, it referreth twice to the usage, "as heretofore hath been used."

This then I infer, that whatsoever was the king's intention in the first erection of this court, was likewise the intention of the parliament in the establishing thereof, because the parliament builded upon an old foundation.

The king's intention appeareth to have had three branches, whereof every of them doth manifestly comprehend the four shires.

The first was the better to bridle the subject of Wales, which at that time was not reclaimed; and therefore it was necessary for the president and council there to have jurisdiction and command over the English shires; because that by the aid of them, which were undoubted good subjects, they might the better govern and suppress those that were doubtful subjects.

And if it be said, that it is true, that the four shires were comprehended in the commission of oyer and terminer, for the suppression of riots and misdemeanors, but not for the jurisdiction of a court of equity; to that I answer, that their commission of oyer and terminer was but *gladius in vagina*, for it was not put in practice amongst them; for even in punishment of riots and misdemeanors, they proceed not by their commission of oyer and terminer by way of jury, but as a council by way of examination. And again it was necessary to strengthen that court for their better countenance with both jurisdictions, as well civil as criminal, for *gladius gladium juvat*.

The second branch of the king's intention was to make a better equality of commerce, and intercourse in contracts and dealings between the subjects of Wales and the subjects of England; and this of necessity must comprehend the four shires: for otherwise, if the subject of England had been wronged by the Welsh on the sides of Wales, he might take his remedy nearer hand. But if the subject of Wales, for whose weal and benefit the statute was chiefly made, had been wronged by the English in any of the shires, he might have sought his remedy at Westminster.

The third branch of the king's intent was to make a convenient dignity and state for the mansion and resiance of his eldest son, when he should be created Prince of Wales, which likewise must plainly include the four shires: for otherwise to have sent *primogenitum regis* to a government, which without the mixture of the four shires, as things then were, had more pearl than honour or command; or to have granted him only a power of lieutenancy in those shires, where he was to keep his state, not adorned with some authority civil, had not been convenient.

So that here I conclude the second part of that I am to say touching the intention of the parliament precedent.

Now touching the construction subsequent, the rule is good, "optimus legum interpres consuetudo;" for our labour is not to maintain an usage against a statute, but by an usage to expound a statute; for no man will say, but the word *marches* will bear the sense that we give it.

This usage or custom is fortified by four notable circumstances; first, that it is ancient, and not late or recent; secondly, it is authorized, and not popular or vulgar; thirdly, that it hath been admitted and quiet, and not litigious or interrupted; and fourthly, when it was brought in question, which was but once, it hath been affirmed *judicio controversa*.

For the first, there is record of a president and council, that hath exercised and practised jurisdiction in these shires, as well sixty years before the statute, namely, since 18 E. IV. as the like number of years since: so that it is *Janus bifrons*, it hath a face backward from the statute, as well as forwards.

For the second, it hath received these allowances by the practice of that court, by suits originally commenced there, by remanding from the courts of Westminster, when causes within those shires have been commenced here above; sometimes in chancery, sometimes in the star-chamber, by the admittance of divers great learned men and great judges, that have been of that council and exercised that jurisdiction: as at one time Bromley, Morgan, and Brook, being the two chief justices, and chief baron, and divers others; by the king's learned counsel, which always were called to the penning of the king's instructions; and lastly, by the king's instructions themselves, which though they be not always extant, yet it is manifest that since 17 H. VIII.

when princess Mary went down, that the four shires were ever comprehended in the instructions, either by name, or by that that amounts to so much. So as it appears that this usage or practice hath not been an obscure custom practised by the multitude, which is many times erroneous, but authorized by the judgment and consent of the state: for as it is *vera vox* to say, "maximus erroris populus magister;" so it is *dura vox* to say, "maximus erroris princeps magister."

For the third, it was never brought in question till 16 Eliz. in the case of one Wynde.

And for the fourth, the controversy being moved in that case, it was referred to Gerrard attorney, and Bromley solicitor, who was afterwards chancellor of England, and had his whole state of living in Shropshire and Worcester, and by them reported to the lords of the council in the star-chamber, and upon their report decreed, and the jurisdiction affirmed.

Lastly, I will conclude with two manifest badges and tokens, though but external yet violent in demonstration, that these four shires were understood by the word *marches;* the one the denomination of that council, which was ever in common appellation termed and styled *the council* of the *marches*, or in the *marches*, rather than the council of Wales, or in Wales, and *denominatio est a digniore*. If it had been intended of lordships' marchers, it had been as if one should have called my lord mayor, my lord mayor of the suburbs. But it was plainly intended of the four English shires, which indeed were the more worthy.

And the other is of the perpetual resiance and mansion of the council, which was evermore in the shires; and to imagine that a court should not have jurisdiction where it sitteth, is a thing utterly improbable, for they should be *tanquam piscis in arido.*

So as upon the whole matter, I conclude that the word *marches* in that place by the natural sense, and true intent of the statute, is meant of the four shires.

The effect of that, that was spoken by serjeant Hutton and serjeant Harris, in answer of the former argument, and for the excluding of the jurisdiction of the marches in the four shires.

That, which they both did deliver, was reduced to three heads:

The first to prove the use of the word *marches* for lordships' marchers.

The second to prove the continuance of that use of the word, after the statute of 27, that made the lordships' marchers shire-grounds; whereupon it was inferred, that though the marches were destroyed in nature, yet they remained in name.

The third was some collections they made upon the statute of 34; whereby they inferred, that that statute intended that word in that signification.

For the first, they did allege divers statutes before 27 Hen. VIII. and divers book-cases of law in print, and divers offices and records, wherein the word *marches* of Wales was understood of the lordships' marchers.

They said farther, and concluded, that whereas we show our sense of the word but rare, they show theirs common and frequent: and whereas we show it but in a vulgar use and acceptation, they show theirs in a legal use in statutes, authorities of books, and ancient records.

They said farther, that the example we brought of marches upon Scotland, was not like, but rather contrary; for they were never called *marches* of Scotland, but the *marches* of England: whereas the statute of 34 doth not speak of the *marches* of England, but of the *marches* of Wales.

They said farther, that the county of Worcester did in no place or point touch upon Wales, and therefore that county could not be termed *marches.*

To the second they produced three proofs; first, some words in the statute of 32 H. VIII. where the statute, providing for a form of trial for treason committed in Wales, and the *marches* thereof, doth use that word, which was in time after the statute of 27; whereby they prove the use of the word continued.

The second proof was out of two places of the statute, whereupon we dispute, where the word *marches* is used for the lordships' marchers.

The third proof was the style and form of the commission of oyer and terminer even to this day, which run to give power and authority to the president and council there, *infra principalitat. Walliæ*, and *infra* the four counties by name, with this clause farther, "et marchias Walliæ eisdem comitatibus adjacent':" whereby they infer two things strongly, the one that the *marches* of Wales must needs be a distinct thing from the four counties; the other that the word *marches* was used for the lordships' marchers long after both statutes.

They said farther, that otherwise the proceeding, which had been in the four new erected counties of Wales by the commission of oyer and terminer, by force whereof many had been proceeded with both for life, and otherways, should be called in question, as *coram non judice*, insomuch as they neither were part of the principality of Wales, nor part of the four shires; and therefore must be contained by the word *marches*, or not at all.

For the third head, they did insist upon the statute of 34, and upon the preamble of the same statute.

The title being an act for certain ordinances in the king's Majesty's dominion and principality of Wales; and the preamble being for the tender zeal and affection that the king bears to his subjects of Wales; and again at the humble suit and petition of his subjects of Wales: whereby they infer that the statute had no purpose to extend or intermeddle with any part of the king's dominions or subjects but only within Wales.

And for usage and practice, they said, it was nothing against an act of parliament.

And for the instructions, they pressed to see the instructions immediately after the statute made.

And for the certificate and opinions of Gerrard and Bromley, they said they doubted not, but that if it were now referred to the attorney and solicitor, they would certify as they did.

And lastly, they relied, as upon their principal strength, upon the precedent of that, which was done of the exempting of Cheshire from the late

jurisdiction of the said council; for they said, that from 34 of Hen. VIII. until 11 of queen Eliz. the court of the marches did usurp jurisdiction upon that county; being likewise adjacent to Wales, as the other four are; but that in the eleventh year of queen Elizabeth aforesaid, the same being questioned at the suit of one Radforde, was referred to the lord Dyer, and three other judges, who, by their certificate at large remaining of record in the chancery, did pronounce the said shire to be exempted, and that in the conclusion of their certificate they gave this reason, because it was no part of the principality or marches of Wales. By which reason, they say, it should appear their opinion was, that the word *marches* could not extend to counties adjacent. This was the substance of their defence.

The reply of the king's solicitor to the arguments of the two serjeants.

Having divided the substance of their arguments, *ut supra*, he did pursue the same division in his reply, observing nevertheless both a great redundancy and a great defect in that which was spoken. For touching the use of the word *marches*, great labour had been taken, which was not denied: but touching the intent of the parliament, and the reasons to demonstrate the same, which were the life of the question, little or nothing had been spoken.

And therefore as to the first head, that the word *marches* had been often applied to the lordships' marchers, he said it was the sophism which is called *sciomachia*, fighting with their shadows; and that the sound of so many statutes, so many printed book-cases, so many records, were *nomina magna*, but they did not press the question; for we grant that the word *marches* had significations, sometimes for the counties, sometimes for the lordships' marchers, like as Northampton and Warwick are sometimes taken for the towns of Northampton and Warwick, and sometimes for the counties of Northampton and Warwick. And Dale and Sale are sometimes taken for the villages or hamlets of Dale and Sale, and sometimes taken for the parishes of Dale and Sale: and therefore that the most part of that they had said, went not to the point.

To that answer, which was given to the example of the middle shires upon Scotland, it was said, it was not *ad idem;* for we used it to prove that the word *marches* may and doth refer to whole counties; and so much it doth manifestly prove; neither can they deny it. But then they pinch upon the addition, because the English counties adjacent upon Scotland are called the *marches* of England, and the English counties adjacent upon Wales are called the *marches* of Wales; which is but a difference in phrase; for sometimes limits and borders have their names of the inward country, and sometimes of the outward country; for the distinction of *exclusivè* and *inclusivè* is a distinction both in time and place; as we see that which we call this day fortnight, excluding the day, the French and the law-phrase calls this day fifteen days, or *quindena*, including the day. And if they had been called the marches upon Wales or the marches against Wales, then it had been clear and plain; and what difference between the banks of the sea and the banks against the sea? So that he took this to be but a toy or cavillation, for that phrases of speech are "ad placitum, et recipiunt casum."

As to the reason of the map, that the county of Worcester doth no way touch upon Wales, it is true; and I do find when the lordships' marchers were annexed, some were laid to every other of the three shires, but none to Worcester. And no doubt this imboldened Wynde to make the claim to Worcester, which he durst not have thought on for any of the other three. But it falls out well that that, which is the weakest in probability, is strongest in proof; for there is a case ruled in that more than in the rest. But the true reason is, that usage must overrule propriety of speech; and therefore if all commissions, and instructions, and practices, have coupled these four shires, it is not the map that will sever them.

To the second head he gave this answer. First, he observed in general that they had not showed one statute, or one book-case, or one record, the commissions of oyer and terminer only excepted, wherein the word *marches* was used for lordships' marchers since the statute of 34. So that it is evident, that as they granted the nature of those marches was destroyed and extinct by 27; so the name was discontinued soon after, and did but remain a very small while, like the sound of a bell after it hath been rung; and as indeed it is usual when names are altered, that the old name, which is expired, will continue for a small time.

Secondly, he said, that whereas they had made the comparison, that our acceptation of the word was popular, and theirs was legal, because it was extant in book-cases, and statutes, and records, they must needs confess that they are beaten from that hold: for the name ceased to be legal clearly by the law of 27, which made the alteration in the thing itself, whereof the name is but a shadow; and if the name did remain afterwards, then it was neither legal, nor so much as vulgar, but it was only by abuse, and by a trope or *catachresis*.

Thirdly, he showed the impossibility how that signification should continue, and be intended by the statute of 34. For if it did, it must be in one of these two senses, either that it was meant of the lordships' marchers made part of Wales, or of the lordships' marchers annexed to the four shires of England.

For the first of these, it is plainly impugned by the statute itself: for the first clause of the statute doth set forth that the principality and dominion of Wales shall consist of twelve shires: wherein the four new-erected counties, which were formerly lordships' marchers, and whatsoever else was lordships' marchers annexed to the ancient counties of Wales, is comprehended; so that of necessity all that territory or border must be Wales: then followeth the clause *immediately*, whereupon we now differ, namely, that there shall be and remain a president and council in the principality of Wales, and the marches of the same; so that the parliament

ould not forget so soon what they had said in the clause next before: and therefore by the marches they meant somewhat else besides that which was Wales. Then if they fly to the second signification, and say that it was meant by the lordships' marchers annexed to the four English shires; that device is merely *super nata oratio*, a mere fiction and invention of wit, crossed by the whole stream and current of practice; for if that were so, the jurisdiction of the council should be over part of those shires, and in part not; and then in the suits commenced against any of the inhabitants of the four shires, it ought to have been laid or showed that they dwelt within the ancient lordships' marchers, whereof there is no shadow that can be showed.

Then he proceeded to the three particulars. And for the statute of 32, for trial of treason, he said it was necessary that the word *marches* should be added to Wales, for which he gave this reason, that the statute did not only extend to the trial of treasons which should be committed after the statute, but did also look back to treasons committed before: and therefore this statute being made but five years after the statute of 27, that extinguished the lordships' marchers, and looking back, as was said, was fit to be penned with words that might include the preterperfect tense, as well as the present tense; for if it had rested only upon the word *Wales*, then a treason committed before the lordship's marchers were made part of Wales, might have escaped the law.

To this also another answer was given, which was, that the word *marches* as used in that statute, could not be referred to the four shires, because of the words following, wherewith it is coupled, namely, in Wales, and the marches of the same, where the king's writ runs not.

To the two places of the statute of 34 itself, wherein the word *marches* is used for lordships' marchers; if they be diligently marked, it is merely sophistry to allege them; for both of them do speak by way of recital of the time past before the statute of 27, as the words themselves being read over will show without any other enforcement; so that this is still to use the almanack of the old year with the new.

To the commissions of oyer and terminer, which seemeth to be the best evidence they show for the continuance of the name in that tropical or abused sense, it might move somewhat, if this form of penning those commissions had been begun since the statute of 27. But we show forth the commission in 17 H. VIII. when the princess Mary went down, running in the same manner *verbatim*, and in that time it was proper, and could not otherwise be. So that it appeareth that it was but merely a fac simile, and that notwithstanding the case was altered, yet the clerk of the crown pursued the former precedent; hurt it did none, for the word *marches* is there superfluous.

And whereas it was said, that the words in those commissions were effectual, because else the proceeding in the four new-erected shires of Wales should be *coram non judice*, that objection carrieth no colour at all; for it is plain, they have authority by the word *principality of Wales*, without adding the word *marches*; and that is proved by a number of places in the statute of 34, where if the word *Wales* should not comprehend those shires, they should be excluded in effect of the whole benefit of that statute; for the word *marches* is never added in any of these places.

To the third head, touching the true intent of the statute, he first noted how naked their proof was in that kind, which was the life of the question, for all the rest was but *in litera et in cortice*.

He observed also that all the strength of our proof, that concerned that point, they had passed over in silence, as belike not able to answer: for they had said nothing to the first intentions of the erections of the court, whereupon the parliament built; nothing to the diversity of penning, which was observed in the statute of 34, leaving out the word *marches*, and resting upon the word *Wales* alone; nothing to the resiance, nothing to the denomination, nothing to the continual practice before the statute and after, nothing to the king's instructions, &c.

As for that, that they gather out of the title and preamble, that the statute was made for Wales, and for the weal and government of Wales, and at the petition of the subjects of Wales, it was little to the purpose: for no man will affirm on our part the four English shires were brought under the jurisdiction of that council, either first by the king, or after by the parliament, for their own sakes, being in parts no farther remote; but it was for congruity's sake, and for the good of Wales, that that commixture was requisite: and "turpis est pars, quæ non congruit cum toto." And therefore there was no reason, that the statute should be made at their petition, considering they were not *primi in intentione*, but came *ex consequenti*.

And whereas they say that usage is nothing against an act of parliament, it seems they do voluntarily mistake, when they cannot answer; for we do not bring usage to cross an act of parliament, where it is clear, but to expound an act of parliament, where it is doubtful, and evermore *contemporanea interpretatio*, whether it be of statute or Scripture, or author whatsoever, is of greatest credit: for to come now, above sixty years after, by subtilty of wit to expound a statute otherwise than the ages immediately succeeding did conceive it, is *expositio contentiosa*, and not *naturalis*. And whereas they extenuate the opinion of the attorney and solicitor, it is not so easy to do: for first they were famous men, and one of them had his patrimony in the shires; secondly, it was of such weight, as a decree of the council was grounded upon it; and thirdly, it was not unlike, but that they had conferred with the judges, as the attorney and solicitor do often use in like cases.

Lastly, for the exemption of Cheshire he gave this answer. First, that the certificate in the whole body of it, till within three or four of the last lines, doth rely wholly upon that reason, because it was a county Palatine: and to speak truth, it stood not with any great sense or proportion, that that place which was privileged and exempted from the jurisdiction of the courts of Westminster, should be

meant by the parliament to be subjected to the jurisdiction of that council.

Secondly, he said that those reasons, which we do much insist upon for the four shires, hold not for Cheshire, for we say it is fit the subject of Wales be not forced to sue at Westminster, but have his justice near hand; so may he have in Cheshire, because there is both a justice for common law and a chancery; we say it is convenient for the prince, if it please the king to send him down, to have some jurisdiction civil as well as for the peace; so may he have in Cheshire, as earl of Chester. And therefore those grave men had great reason to conceive that the parliament did not intend to include Cheshire.

And whereas they pinch upon the last words in the certificate, namely, that Cheshire was no part of the dominion, nor of the marches, they must supply it with this sense, not within the meaning of the statute; for otherwise the judges could not have discerned of it; for they were not to try the fact, but to expound the statute; and that they did upon those reasons, which were special to Cheshire, and have no affinity with the four shires.

And therefore, if it be well weighed, that certificate makes against them; for as "exceptio firmat legem in casibus non exceptis," so the excepting of that shire by itself doth fortify, that the rest of the shires were included in the very point of difference.

After this he showed a statute in 18 Eliz. by which provision is made for the repair of a bridge called Chepstow-bridge, between Monmouth and Glocester, and the charge lay in part upon Glocestershire; in which statute there is a clause, that if the justices of peace do not their duty in levying of the money, they shall forfeit five pounds to be recovered by information before the council of the marches; whereby he inferred that the parliament would never have assigned the suit to that court, but that it conceived Glocestershire to be within the jurisdiction thereof. And therefore he concluded that here is in the nature of a judgment by parliament, that the shires are within the jurisdiction.

The third and last argument of the king's solicitor in the case of the marches in reply to serjeant Harris.

This case groweth now to some ripeness, and I am glad we have put the other side into the right way; for in former arguments they laboured little upon the intent of the statute of 34 H. VIII. and busied themselves in effect altogether about the force and use of the word *marches:* but now finding that "litera mortua non prodest," they offer at the true state of the question, which is the intent: I am determined therefore to reply to them in their own order, "ut manifestum sit," as he saith, "me nihil aut subterfugere voluisse reticendo, aut obscurare dicendo."

All which hath been spoken on their part consisteth upon three proofs.

The first was by certain inferences to prove the intent of the statute.

The second was to prove the use of the word *marches* in their sense long after both statutes; both that of 27, which extinguished the lordships' marchers, and that of 34, whereupon our question ariseth.

The third was to prove an interruption of that practice and use of jurisdiction, upon which we mainly insist, as the best exposition of the statute.

For the first of these, concerning the intention, they brought five reasons.

The first was that this statute of 34 was grounded upon a platform, or preparative of certain ordinances made by the king two years before, namely, 32; in which ordinances there is the very clause whereupon we dispute, namely, That there should be and remain in the dominion and principality of Wales a president and a council: in which clause nevertheless the word *marches* is left out, whereby they collect that it came into the statute of 34, but as a slip, without any farther reach or meaning.

The second was, that the mischief before the statute, which the statute means to remedy, was that Wales was not governed according to similitude or conformity with the laws of England. And therefore, that it was a cross and perverse construction, when the statute laboured to draw Wales to the laws of England, to construe it, that it should abridge the ancient subjects of England of their own laws.

The third was, that in a case of so great importance, it is not like that if the statute had meant to include the four shires, it would have carried it in a dark general word, as it were *noctanter*, but would have named the shires to be comprehended.

The fourth was, the more to fortify the third reason, they observed that the four shires are remembered and named in several places of the statute, three in number; and therefore it is not like that they would have been forgotten in the principal place, if they had been meant.

The fifth and last was, that there is no clause of attendance, that the sheriffs of the four shires should attend the lord president and the council; wherein there was urged the example of the acts of parliament, which erected courts; as the court of augmentations, the court of wards, the court of survey; in all which there are clauses of attendance; whereupon they inferred that evermore, where a statute gives a court jurisdiction, it strengtheneth it with a clause of attendance; and therefore no such clause being in this statute, it is like there was no jurisdiction meant. Nay, farther, they noted, that in this very statute for the justices of Wales, there is a clause of attendance from the sheriffs of Wales.

In answer to their first reason, they do very well, in my opinion, to consider Mr. Attorney's business and mine, and therefore to find out for us evidence and proofs, which we have no time to search; for certainly nothing can make more for us than these ordinances, which they produce; for the diversity of penning of that clause in the ordinances, where the word *marches* is omitted, and that clause in the statute where the word *marches* is added, is a clear and perfect direction what was meant by that word. The ordinances were made by force and in pursuance of authority given to the king by the statute of 27.

to what did the statute extend? Only to Wales. And therefore the word *marches* in the ordinances is left out; but the statute of 34 respected not only Wales, but the commixed government, and therefore the word *marches* was put in. They might have remembered that we built an argument upon the difference of penning of that statute of 34 itself in the several clauses of the same; for that in all other clauses, which concern only Wales, the word *marches* is ever omitted; and in that clause alone that concerneth the jurisdiction of the president and council, it is inserted. And this our argument is notably fortified by that they now show of the ordinances, where in the very self-same clause touching the president and council, because the king had no authority to meddle but with Wales, the word *marches* is omitted. So that it is most plain that this word comes not in by chance or slip, but with judgment and purpose, as an effectual word; for, as it was formerly said, "opposita juxta se posita magis elucescunt;" and therefore I may likewise urge another place in the statute which is left out in the ordinance; for I find there is a clause that the town of Bewdley, which is confessed to be no lordships' marcher, but to lie within the county of Worcester; yet because it was an exempted jurisdiction, is by the statute annexed unto the body of the said county. First, this shows that the statute of 34 is not confined to Wales, and the lordships' marchers, but that it intermeddles with Worcestershire. Next, do you find any such clause in the ordinance of 32? No. Why? Because they were appropriated to Wales. So that in my opinion nothing could enforce our exposition better than the collating of the ordinance of 32 with the statute of 34.

In answer to the second reason, the course, that I see often taken in this cause, makes me think of the phrase of the Psalm, "starting aside like a broken bow:" so when they find their reasons broken, they start aside to things not in question. For now they speak, as if we went about to make the four shires Wales, or to take from them the benefit of the laws of England, or their being accounted amongst the ancient counties of England: doth any man say that those shires are not within the circuits of England, but subject to the justices of Wales? or that they should send but one knight to the parliament, as the shires of Wales do? or that they may not sue at Westminster, in chancery, or at common law, or the like? No man affirms any such things; we take nothing from them, only we give them a court of summary justice in certain causes at their own doors.

And this is *nova doctrina* to make such an opposition between law and equity, and between formal justice and summary justice. For there is no law under heaven which is not supplied with equity; for "summum jus, summa injuria," or as some have it, "summa lex, summa crux." And therefore all nations have equity; but some have law and equity mixed in the same court, which is the worse; and some have it distinguished in several courts, which is the better. Look into any counties Palatine, which are small models of the great government of kingdoms, and you shall never find any but had a chancery.

Lastly, it is strange that all other places do require courts of summary justice, and esteem them to be privileges and graces; and in this cause only they are thought to be servitudes and loss of birthright. The universities have a court of summary justice, and yet I never heard that scholars complain their birthright was taken from them. The stannaries have them, and you have lately affirmed the jurisdiction; and yet you have taken away no man's birthright. The court at York, whosoever looks into it, was erected at the petition of the people, and yet the people did not mean to cast away their birthright. The court of wards is mixed with discretion and equity; and yet I never heard that infants and innocents were deprived of their birthright. London, which is the seat of the kingdom, hath a court of equity, and holdeth it for a grace and favour; how then cometh this case to be singular? And therefore these be new phrases and conceits proceeding of error or worse; and it makes me think that a few do make their own desires the desires of the country, and that this court is desired by the greater number, though not by the greater stomachs.

In answer to the third reason, if men be conversant in the statutes of this kingdom, it will appear to be no new thing to carry great matters in general words without other particular expressing. Consider but of the statute of 26 H. VIII. which hath carried estates tails under the general words of estates of inheritance. Consider of the statute of 16 R. II. of *præmunire*, and see what great matters are thought to be carried under the word *alibi*. And therefore it is an ignorant assertion to say that the statute would have named the shires, if it had meant them.

Secondly, the statute had more reason to pass it over in general words, because it did not ordain a new matter, but referreth to usage: and though the statute speaks generally, yet usage speaks plainly and particularly, which is the strongest kind of utterance or expressing. "Quid verba audiam, cum facta videam?"

And thirdly, this argument of theirs may be strongly retorted against them: for as they infer that the shires were not meant, because they were not included by name; so we infer that they are meant, because they are not excepted by name, as is usual by way of proviso in like cases: and our inference hath far greater reason then theirs, because at the time of the making of the statute they were known to be under the jurisdiction: and therefore that ought to be most plainly expressed, which should work a change, and not that which should continue things as they were.

In answer to their fourth reason, it makes likewise plainly against them; for there be three places where the shires be named, the one for the extinguishing of the custom of gavelkind; the second for the abolishing of certain forms of assurance which were too light to carry inheritance and freehold: the third for the restraining of certain franchises to that state they were in by a former statute. In these three places the words of the statute are, The lord-

ships' marchers annexed unto the counties of Hereford, Salop, &c.

Now mark, if the statute conceived the word *marches* to signify lordships' marchers, what needeth this long circumlocution? It had been easier to have said, within the *marches*. But because it was conceived that the word *marches* would have comprehended the whole counties, and the statute meant but of the lordships' marchers annexed; therefore they were enforced to use that periphrasis or length of speech.

In answer to the fifth reason, I give two several answers: the one, that the clause of attendance is supplied by the word *incidents;* for the clause of establishment of the court hath that word, "with all incidents to the same as heretofore hath been used:" for execution is ever incident to justice or jurisdiction. The other, because it is a court, that standeth not by the act of parliament alone, but by the king's instructions, whereto the act refers. Now no man will doubt but the king may supply the clause of attendance; for if the king grant forth a commission of oyer and terminer, he may command what sheriff he will to attend it; and therefore there is a plain diversity between this case and the cases they vouch of the court of wards, survey and augmentations: for they were courts erected *de novo* by parliament, and had no manner of reference either to usage or instructions; and therefore it was necessary that the whole frame of those courts, and their authority both for judicature and execution, should be described and expressed by parliament. So was it of the authority of the justices of Wales in the statute of 34 mentioned, because there are many ordinances *de novo* concerning them; so that it was a new erection, and not a confirmation of them.

Thus have I, in confutation of their reasons, greatly, as I conceive, confirmed our own, as it were with new matter; for most of that they have said made for us. But as I am willing to clear your judgments, in taking away the objections; so I must farther pray in aid of your memory for those things which we have said, whereunto they have offered no manner of answer; for unto all our proofs which we made touching the intent of the statute, which they grant to be the spirit and life of the question, they said nothing: as not a word to this; That otherwise the word *marches* in the statute should be idle or superfluous: not a word to this; That the statute doth always omit the word *marches* in things that concern only Wales: not a word to this; That the statute did not mean to innovate, but to ratify, and therefore if the shires were in before, they are in still: not a word to the reason of the commixed government, as that it was necessary for the reclaiming of Wales to have them conjoined with the shires; that it was necessary for commerce and contracts, and properly for the ease of the subjects of Wales against the inhabitants of the shires; that it was not probable that the parliament meant the prince should have no jurisdiction civil in that place, where he kept his house. To all these things, which we esteem the weightiest, there is *altum silentium*, after the manner of children that skip over where they cannot spell.

Now to pass from the intent to the word; first, I will examine the proofs they have brought that the word was used in their sense after the statute 27 and 34; then I will consider what is gained, if they should prove so much: and lastly, I will briefly state our own proofs, touching the use of the word.

For the first, it hath been said, that whereas I called the use of the word *marches* after the statute of 27, but a little chime at most of an old word which soon after vanished, they will now ring us a peal of statutes to prove it; but if it be a peal, I am sure it is a peal of bells, and not a peal of shot: for it clatters, but it doth not strike: for of all the catalogue of statutes I find scarcely one, save those that were answered in my former argument; but we may with as good reason affirm in every of them the word *marches* to be meant of the counties' marches, as they can of the lordships' marchers: for to begin upwards:

The statute 39 Eliz. for the repair of Wilnebridge, no doubt doth mean the word *marches* for the counties; for the bridge itself is in Herefordshire, and the statute imposeth the charge of reparation upon Herefordshire by compulsory means, and permitteth benevolence to be taken in Wales, and the marches; who doubts, but this meant of the other three shires, which have far greater use of the bridge than the remote counties of Wales?

For the statute 5 Eliz. concerning perjury, it hath a proviso, that it shall not be prejudicial to the council of the marches for punishing of perjury: who can doubt but that here *marches* is meant of the shires, considering the perjuries committed in them have been punished in that court as well as in Wales?

For 2 Ed. VI. and the clause therein for restraining tithes of marriage-portions in Wales and the marches, why should it not be meant of counties? For if any such customs had crept and encroached into the body of the shires out of the lordships' marchers, no doubt the statute meant to restrain them as well there as in the other places.

And so for the statute 32 H. VIII. which ordains that the benefit of that statute for distress to be had by executors, should not extend to any lordship in Wales, or the marches of the same where *mises* are paid, because that imports a general release; what absurdity is there, if there the marches be meant for the whole shires? for if any such custom had spread so far, the reason of the statute is alike.

As for the statutes of 37 H. VIII. and 4 Ed. IV. for the making and appointing of the *custos rotulorum*, there the word *marches* must needs be taken for limits, according to the etymology and derivation: for the words refer not to Wales, but are thus, "within England and Wales, and other the king's dominions, marches and territories," that is, *lands and territories;* so as I see no reason, but I may truly maintain my former assertion, that after the lordships' marchers were extinct by the statute of 27, the name also of marches was discontinued, and rarely if ever used in that sense.

But if it should be granted that it was now and then used in that sense, it helps them little: for

first it is clear that the legal use of it is gone, when the thing was extinct, for "nomen est rei nomen;" so it remains but *abusivè*, as if one should call *Guletta, Carthage*, because it was once *Carthage:* and next, if the word should have both senses, and that we admit an equivocation, yet we so overweigh them upon the intent, as the balance is soon cast.

Yet one thing I will note more, and that is, that there is a certain confusion of tongues on the other side, and that they cannot well tell themselves what they would have to be meant by the word *marches;* for one while they say it is meant for the lordships' marchers *generally*, another while they say that it is meant for the inward marches on *Wales side only;* and now at last they are driven to a poor shift, that there should be left some *little lordship marcher* in the dark, as *casus omissus*, not annexed at all to any county; but if they would have the statute satisfied upon that only, I say no more to them, but "aquila non capit muscas."

Now I will briefly remember unto you the state of our proofs of the word.

First, according to the laws of speech we prove it by the etymology or derivation, because *march* is the Saxon word for limit, and *marchio* is *comes limitaneus;* this is the opinion of Camden and others.

Next we prove the use of the word in the like case to be for counties, by the example of the marches of Scotland: for as it is prettily said in Walker's case by Gawdy, if a case have no cousin, it is a sign it is a bastard, and not legitimate; therefore we have showed you a cousin, or rather a brother, here within our own island, of the like use of the word. And whereas a great matter was made that the now middle shires were never called the marches of Scotland, but the marches of England against Scotland, or upon Scotland; it was first answered that that made no difference; because some times the *marches* take their name of the inward country, and sometimes of the out-country; so that it is but *inclusivè* and *exclusivè:* as for example, that which we call in vulgar speech this day *fortnight*, excluding the day, that the law calls *quindena*, including the day; and so likewise, who will make a difference between the banks of the sea, and the banks against the sea, or upon the sea? But now to remove all scruple, we show them Littleton in his chapter "Of grand serjeanty," where he saith, there is a tenure by cornage in the *marches* of Scotland: and we show them likewise the statute, of 25 Ed. III. "Of labourers," where they are also called the "marches of Scotland."

Then we show some number of bills exhibited to the council there before the statute, where the plaintiffs have the addition of place confessed within the bodies of the shires, and no lordships' marchers, and yet are laid to be in the *marches*.

Then we show divers accounts of auditors in the duchy from H. IV. downwards, where the indorsement is "in marchiis Walliæ," and the contents are possessions only of Hereford and Glocestershire, (for in Shropshire and Worcestershire the duchy hath no lands;) and whereas they would put it off with a "cuique in sua arte credendum," they would believe them, if it were in matter of accounts: we do not allege them as auditors, but as those that speak English to prove the common use of the word, "loquendum ut vulgus."

We show likewise an ancient record of a patent to Herbert in 15 E. IV. where Kilpeck is laid to be in "com. Hereford in marchiis Walliæ;" and lastly, we show again the statute of 27 E. III. where provision is made, that men shall labour in the summer where they dwell in the winter; and there is an exception of the people of the counties of Stafford and Lancashire, &c. and of the marches of Wales and Scotland; where it is most plain, that the marches of Wales are meant for counties, because they are coupled both with Stafford and Lancashire, which are counties, and with the marches of Scotland, which are likewise counties; and as it is informed, the labourers of those four shires do come forth of their shires, and are known by the name of Cokers to this day.

To this we add two things, which are worthy consideration; the one, that there is no reason to put us to the proof of the use of this word *marches* sixty years ago, considering that usage speaks for us; the other, that there ought not to be required of us to show so frequent an use of the word *marches* of ancient time in our sense, as they showed in theirs, because there was not the like occasion: for when a lordship marcher was mentioned it was of necessity to lay it in the *marches*, because they were out of all counties; but when land is mentioned in any of these counties, it is superfluous to add, in the marches; so as there was no occasion to use the word *marches*, but either for a more brief and compendious speech to avoid the naming of the four shires, as it is in the statute of 25 E. III. and in the indorsement of accounts; or to give a court cognisance and jurisdiction, as in the bills of complaint; or *ex abundanti*, as in the record of Kilpeck.

There resteth the third main part, whereby they endeavour to weaken and extenuate the proofs which we offer touching practice and possession, wherein they allege five things.

First, that Bristol was in until 7 Eliz. and then exempted.

Secondly, that Cheshire was in until 11 Eliz. and then went out.

Thirdly, they allege certain words in the instructions to Cholmley vice-president in 11 Eliz. at which time the shires were first comprehended in the instructions by name, and in these words, "annexed by our commission:" whereupon they would infer that they were not brought in the statute, but only came in by instructions, and do imagine that when Cheshire went out they came in.

Fourthly, they say, that the intermeddling with those four shires before the statute was but an usurpation and toleration, rather than any lawful and settled jurisdiction; and it was compared to that, which is done by the judges in their circuits, who end many causes upon petitions.

Fifthly, they allege Sir John Mullen's case, where it is said, "consuetudo non præjudicat veritati."

There was moved also, though it were not by

the council, but from the judges themselves, as an extenuation, or at least an obscuring of the proofs of the usage and practice, in that we show forth no instructions from 17 H. VIII. to 1 Mariæ.

To these six points I will give answer, and, as I conceive, with satisfaction.

For Bristol, I say it teacheth them the right way, if they can follow it; for Bristol was not exempt by any opinion of law, but was left out of the instructions upon supplication made to the queen.

For Cheshire, we have answered it before, that the reason was, because it was not probable that the statute meant to make that shire subject to the jurisdiction of that council, considering it was not subject to the high courts at Westminster, in regard it was a county Palatine. And whereas they said, that so was Flintshire too, it matcheth not, because Flintshire is named in the statute for one of the twelve shires of Wales.

We showed you likewise effectual differences between Cheshire and these other shires: for that Cheshire hath a chancery in itself, and over Cheshire the princes claim jurisdiction, as earl of Chester; to all which you reply nothing.

Therefore I will add this only, that Cheshire went out *secundo flumine*, with the good-will of the state; and this is sought to be evicted *adverso flumine*, cross the state; and as they have opinion of four judges for the excluding of Cheshire, so we have the opinions of two great learned men, Gerrard and Bromley, for the including of Worcester; whose opinions, considering it was but matter of opinion, and came not judicially in question, are not inferior to any two of the other; but we say that there is no opposition or repugnancy between them, but both may stand.

For Cholmley's instructions, the words may well stand, "that those shires are annexed by commission;" for the king's commission or instructions, for those words are commonly confounded, must cooperate with the statute, or else they cannot be annexed. But for that conceit that they should come in but in 11, when Cheshire went out, no man that is in his wits can be of that opinion, if he mark it: for we see that the town of Glocester, &c. is named in the instructions of 1 Mar. and no man, I am sure, will think that Glocester town should be in, and Glocestershire out.

For the conceit, that they had but *jurisdictionem precariam*, the precedents show plainly the contrary; for they had coercion, and they did fine and imprison, which the judges do not upon petitions; and besides, they must remember that many of our precedents, which we did show forth, were not of suits originally commenced there, but of suits remanded from hence out of the king's courts as to their proper jurisdiction.

For Sir John Mullen's case, the rule is plain and sound, that where the law appears contrary, usage cannot control law; which doth not at all infringe the rule of "optima legum interpres consuetudo," for usage may expound law, though it cannot overrule law.

But of the other side I could show you many cases, where statutes have been expounded directly against their express letter to uphold precedents and usage, as 2 and 3 Phil. et Mar. upon the statute of Westminster, that ordained that the judges *coram quibus formatum erit appellum* shall inquire of the damages, and yet the law ruled that it shall be inquired before the judges of Nisi prius. And the great reverence given to precedents appeareth in 39 H. VI. 3 E. IV and a number of other books; and the difference is exceedingly well taken in Slade's case, Coke's Reports, 4, that is, where the usage runs but among clerks, and where it is in the eye and notice of the judge: for there it shall be presumed, saith the book, that if the law were otherwise than the usage hath gone, that either the council or the parties would have excepted to it, or the judges *ex officio* would have discerned of it, and found it; and we have ready for you a calendar of judges more than sit at this table, that have exercised jurisdiction over the shires in that county.

As for exception, touching the want of certain instructions, I could wish we had them; but the want of them, in my understanding, obscureth the case little. For let me observe unto you, that we have three forms of instructions concerning these shires extant; the first names them not expressly, but by reference it doth, namely, that they shall hear and determine, &c. within any the *places* or *counties* within any of their commissions; and we have one of the commissions, wherein they were named; so as upon the matter they are named. And of this form are the ancient instructions before the statute 17 H. VIII. when the princess Mary went down.

The second form of instructions go farther, for they have the towns, and exempted places within the counties named, with *tanquam* as well within the city of Glocester, the liberties of the duchy of Lancaster, &c. as within any of the counties of any of their commissions; which clearly admits the counties to be in before. And of this form are the instructions 1 Mariæ, and so long until 11 Eliz.

And the third form, which hath been continued ever since, hath the shires comprehended by name. Now it is not to be thought, but the instructions which are wanting, are according to one of these three forms which are extant. Take even your choice, for any of them will serve to prove that the practice there was ever authorized by the instructions here. And so upon the whole matter, I pray report to be made to his Majesty, that the president and the council hath jurisdiction, according to his instructions, over the four shires, by the true construction of the statute of 34 H. VIII.

A DRAUGHT OF AN ACT

AGAINST

AN USURIOUS SHIFT OF GAIN, IN DELIVERING COMMODITIES INSTEAD OF MONEY.

WHEREAS it is an usual practice, to the undoing and overthrowing many young gentlemen and others, that when men are in necessity, and desire to borrow money, they are answered, that money cannot be had, but that they may have commodities sold unto them upon credit, whereof they may make money as they can: in which course it ever comes to pass, not only that such commodities are bought at extreme high rates, and sold again far under foot to a double loss; but also that the party which is to borrow is wrapt in bonds and counter-bonds; so that upon a little money which he receiveth, he is subject to penalties and suits of great value.

Be it therefore enacted, by the authority of this present parliament, that if any man, after forty days from the end of this present session of parliament to be accounted, shall sell in gross sale any quantity of wares or commodities unto such a one as is no retailer, chapman, or known broker of the same commodities, and knowing that it is bought to be sold again, to help and furnish any person, that tradeth not in the same commodity, with money, he shall be without all remedy by law, or custom, or decree, or otherwise, to recover or demand any satisfaction for the said wares or commodities, what assurance soever he shall have by bond, surety, pawn, or promise of the party, or any other in his behalf. And that all bonds and assurances whatsoever, made for that purpose, directly or indirectly, shall be utterly void.

And be it further enacted, by the authority aforesaid, that every person, which shall after the time aforesaid be used or employed as a broker, mean, or procurer, for the taking up of such commodities, shall forfeit for every such offence the sum of one hundred pounds, the same to be, &c. and shall be farther punished by six months imprisonment, without bail or mainprise, and by the pillory.

A PREPARATION

TOWARD

THE UNION OF THE LAWS

OF ENGLAND AND SCOTLAND.

YOUR Majesty's desire of proceeding towards the union of this whole island of Great Britain under one law, is, as far as I am capable to make any opinion of so great a cause, very agreeable to policy and justice. To policy, because it is one of the best assurances, as human events can be assured, that there will be never any relapse in any future ages to a separation. To justice, because "dulcis tractus pari jugo:" it is reasonable that communication of privilege draw on communication of discipline and rule. This work being of greatness and difficulty, needeth not to embrace any greater compass of designment, than is necessary to your Majesty's main end and intention. I consider therefore that it is a true and received division of law into *jus publicum* and *privatum*, the one being the sinews of property, and the other of government; for that which concerneth private interest of *meum* and *tuum*, in my simple opinion, it is not at this time to be meddled with; men love to hold their own as they have held, and the difference of this law carrieth no mark of separation; for we see in any one kingdom, which is most at unity in itself, there is diversity of customs for the guiding of property and private rights; "in veste varietas sit, scissura non sit." All the labour is to be spent in the other part; though perhaps not in all the other part; for, it may be, your Majesty in your high wisdom, will discern that even in that part there will not be requisite a conformity in all points. And although such conformity were to be wished, yet

perchance it will be scarcely possible in many points to pass them for the present by assent of parliament. But because we that serve your Majesty in the service of our skill and profession, cannot judge what your Majesty, upon reason of state, will leave and take; therefore it is fit for us to give, as near as we can, a general information: wherein I, for my part, think good to hold myself to one of the parallels, I mean that of the English laws. For although I have read, and read with delight, the Scottish statutes, and some other collection of their laws; with delight, I say, partly to see their brevity and propriety of speech, and partly to see them come so near to our laws; yet I am unwilling to put my sickle in another's harvest, but to leave it to the lawyers of the Scottish nation; the rather, because I imagine with myself that if a Scottish lawyer should undertake, by reading of the English statutes, or other our books of law, to set down positively in articles what the law of England were, he might oftentimes err: and the like errors, I make account, I might incur in theirs. And therefore, as I take it, the right way is, that the lawyers of either nation do set down in brief articles what the law is of their nation, and then after, a book of two columns, either having the two laws placed respectively, to be offered to your Majesty, that your Majesty may by a ready view see the diversities, and so judge of the reduction, or leave it as it is.

Jus publicum I will divide, as I hold it fittest for the present purpose, into four parts. The first concerning criminal causes, which with us are truly accounted *publici juris*, because both the prejudice and the prosecution principally pertain to the crown and public estate. The second, concerning the causes of the church. The third, concerning magistrates, offices, and courts: wherein falleth the consideration of your Majesty's regal prerogative, whereof the rest are but streams. And the fourth, concerning certain special politic laws, usages, and constitutions, that do import the public peace, strength, and wealth of the kingdom. In which part I do comprehend not only constant ordinances of law, but likewise forms of administration of law, such as are the commissions of the peace, the visitations of the provinces by the judges of the circuits, and the like. For these in my opinion, for the purpose now in hand, deserve a special observation, because they being matters of that temporary nature, as they may be altered, as I suppose, in either kingdom, without parliament, as to your Majesty's wisdom may seem best; it may be, the most profitable and ready part of this labour will consist in the introducing of some uniformity in them.

To begin therefore with capital crimes, and first that of treason.

CASES OF TREASON.

Where a man doth compass or imagine the death of the king, if it appear by any overt act, it is treason.

Where a man doth compass or imagine the death of the king's wife, if it appear by any overt act, it is treason.

Where a man doth compass or imagine the death of the king's eldest son and heir, if it appear by any overt act, it is treason.

Where a man doth violate the king's wife, it is treason.

Where a man doth violate the king's eldest daughter unmarried, it is treason.

Where a man doth violate the wife of the king's eldest son and heir, it is treason.

Where a man doth levy war against the king and his realm, it is treason.

Where a man is adherent to the king's enemies, giving them aid and comfort, it is treason.

Where a man counterfeiteth the king's great seal, it is treason.

Where a man counterfeiteth the king's privy seal, it is treason.

Where a man counterfeiteth the king's privy signet, it is treason.

Where a man doth counterfeit the king's sign manual, it is treason.

Where a man counterfeits the king's money, it is treason.

Where a man bringeth into the realm false money, counterfeited to the likeness of the coin of England, with intent to merchandise or make payment therewith, and knowing it to be false, it is treason.

Where a man counterfeiteth any foreign coin current in payment within this realm, it is treason.

Where a man doth bring in foreign money, being current within the realm, the same being false and counterfeit, with intent to utter it, and knowing the same to be false, it is treason.

Where a man doth clip, wash, round, or file any of the king's money, or any foreign coin current by proclamation, for gain's sake, it is treason.

Where a man doth any ways impair, diminish, falsify, scale, or lighten the king's money, or any foreign moneys current by proclamation, it is treason.

Where a man killeth the chancellor, being in his place and doing his office, it is treason.

Where a man killeth the treasurer, being in his place and doing his office, it is treason.

Where a man killeth the king's justice in eyre, being in his place and doing his office, it is treason.

Where a man killeth the king's justice of assise, being in his place and doing his office, it is treason.

Where a man killeth the king's justice of oyer and terminer, being in his place and doing his office, it is treason.

Where a man doth persuade or withdraw any of the king's subjects from his obedience, or from the religion by his Majesty established, with intent to withdraw him from the king's obedience, it is treason.

Where a man is absolved, reconciled, or withdrawn from his obedience to the king, or promiseth his obedience to any foreign power, it is treason.

Where any Jesuit, or other priest ordained since the first year of the reign of queen Elizabeth, shall come into, or remain in any part of this realm, it is treason.

Where any person being brought up in a college of Jesuits, or seminary, shall not return within six months after proclamation made, and within two

days after his return submit himself to take the oath of supremacy, if otherwise he do return, or be within the realm, it is treason.

Where a man doth affirm or maintain any authority of jurisdiction spiritual, or doth put in use or execute any thing for the advancement or setting forth thereof, such offence, the third time committed, is treason.

Where a man refuseth to take the oath of supremacy, being tendered by the bishop of the diocess, if he be an ecclesiastical person; or by commission out of the chancery, if he be a temporal person; such offence, the second time, is treason.

Where a man committed for treason doth voluntarily break prison, it is treason.

Where a jailor doth voluntarily permit a man committed for treason to escape, it is treason.

Where a man procureth or consenteth to a treason, it is treason.

Where a man relieveth or comforteth a traitor, knowing it, it is treason.

The punishment, trial, and proceedings in cases of treason.

In treason, the corporal punishment is by drawing on a hurdle from the place of the prison to the place of execution, and by hanging and being cut down alive, bowelling, and quartering: and in women by burning.

In treason, there ensueth a corruption of blood in the line ascending and descending.

In treason, lands and goods are forfeited, and inheritances, as well entailed as fee-simple, and the profits of estates for life.

In treason, the escheats go to the king, and not to the lord of the fee.

In treason, the lands forfeited shall be in the king's actual possession without office.

In treason, there be no accessaries, but all are principals.

In treason, no benefit of clergy, or sanctuary, or peremptory challenge.

In treason, if the party stand mute, yet nevertheless judgment and attainder shall proceed all one as upon verdict.

In treason, bail is not permitted.

In treason, no counsel is to be allowed to the party.

In treason, no witness shall be received upon oath for the party's justification.

In treason, if the fact be committed beyond the seas, yet it may be tried in any county where the king will award his commission.

In treason, if the party be *non sanæ memoriæ*, yet if he had formerly confessed it before the king's council, and that it be certified that he was of good memory at the time of his examination and confession, the court may proceed to judgment without calling or arraigning the party.

In treason, the death of the party before conviction dischargeth all proceedings and forfeitures.

In treason, if the party be once acquitted, he shall not be brought in question again for the same fact.

In treason, no new case not expressed in the statute of 25 Ed. III. nor made treason by any special statute since, ought to be judged treason, without consulting with the parliament.

In treason, there can be no prosecution but at the king's suit, and the king's pardon dischargeth.

In treason, the king cannot grant over to any subject power and authority to pardon it.

In treason, a trial of a peer of the kingdom is to be by special commission before the lord high steward, and those that pass upon him to be none but peers; and the proceeding is with great solemnity, the lord steward sitting under a cloth of estate with a white rod of justice in his hand: and the peers may confer together, but are not any ways shut up: and are demanded by the lord steward their voices one by one, and the plurality of voices carrieth it. In treason, it hath been an ancient use and favour from the kings of this realm to pardon the execution of hanging, drawing, and quartering; and to make warrant for their beheading.

The proceeding in case of treason with a common subject is in the king's bench, or by commission of oyer and terminer.

MISPRISION OF TREASON.

Cases of misprision of treason.

Where a man concealeth high treason only, without any comforting or abetting, it is misprision of treason.

Where a man counterfeiteth any foreign coin of gold or silver not current in the realm, it is misprision of treason.

The punishment, trial, and proceeding in cases of misprision of treason.

The punishment of misprision of treason is by perpetual imprisonment, loss of the issues of their lands during life, and loss of goods and chattels.

The proceeding and trial is, as in cases of treason.

In misprision of treason bail is not admitted.

PETIT TREASON.

Cases of petit treason.

Where the servant killeth the master, it is petit treason.

Where the wife killeth her husband, it is petit treason.

Where a spiritual man killeth his prelate, to whom he is subordinate, and oweth faith and obedience, it is petit treason.

Where the son killeth the father or mother, it hath been questioned whether it be petit treason, and the late experience and opinion seemeth to weigh to the contrary, though against law and reason in my judgment.

The punishment, trial, and proceeding in cases of petit treason.

In petit treason, the corporal punishment is by drawing on a hurdle, and hanging, and in a woman burning.

In petit treason, the forfeiture is the same with the case of felony.

In petit treason, all accessaries are but in case of felony.

FELONY.

Cases of felony.

Where a man committeth murder, that is, homicide of prepensed malice, it is felony.

Where a man committeth manslaughter, that is, homicide of a sudden heat, and not of malice prepensed, it is felony.

Where a man committeth burglary, that is, breaking of a house with an intent to commit felony, it is felony.

Where a man rideth armed, with a felonious intent, it is felony.

Where a man doth maliciously and feloniously burn a house, it is felony.

Where a man doth maliciously and feloniously burn corn upon the ground, or in stacks, it is felony.

Where a man doth maliciously cut out another's tongue, or put out his eyes, it is felony.

Where a man robbeth or stealeth, that is, taketh away another man's goods, above the value of twelve-pence, out of his possession, with an intent to conceal it, it is felony.

Where a man embezzleth or withdraweth any of the king's records at Westminster, whereby any judgment is reversed, it is felony.

Where a man that hath custody of the king's armour, munition, or other habiliments of war, doth maliciously convey away the same, to the value of twenty shillings, it is felony.

Where a servant hath goods of his master's delivered unto him and goeth away with them, it is felony.

Where a man conjures, or invocates wicked spirits, it is felony.

Where a man doth use or practise any manner of witchcraft, whereby any person shall be killed, wasted, or lamed in his body, it is felony.

Where a man practiseth any witchcraft, to discover treasure hid, or to discover stolen goods, or to provoke unlawful love, or to impair or hurt any man's cattle or goods, the second time, having been once before convicted of like offence, it is felony.

Where a man useth the craft of multiplication of gold or silver, it is felony.

Where a man committeth rape, it is felony.

Where a man taketh away a woman against her will, not claiming her as his ward or bondwoman, it is felony.

Where any person marrieth again, her or his former husband or wife being alive, it is felony.

Where a man committeth buggery with a man or beast, it is felony.

Where any persons, above the number of twelve, shall assemble themselves with intent to put down enclosures, or bring down prices of victuals, &c. and do not depart after proclamation, it is felony.

Where a man shall use any words to encourage or draw any people together, *ut supra*, and they do assemble accordingly, and do not depart after proclamation, it is felony.

Where a man being the king's sworn servant, conspireth to murder any lord of the realm or any of the privy council, it is felony.

Where a soldier hath taken any parcel of the king's wages, and departed without licence, it is felony.

Where a man receiveth a seminary priest, knowing him to be such a priest, it is felony.

Where a recusant, which is a seducer, and persuader, and inciter of the king's subjects against the king's authority in ecclesiastical causes, or a persuader of conventicles, &c. shall refuse to abjure the realm, it is felony.

Where vagabonds be found in the realm, calling themselves Egyptians, it is felony.

Where a purveyor taketh without warrant, or otherwise doth offend against certain special laws, it is felony.

Where a man hunteth in any forest, park, or warren, by night or by day, with vizards or other disguisements, and is examined thereof and concealeth his fact, it is felony.

Where a man stealeth certain kinds of hawks, it is felony.

Where a man committeth forgery the second time, having been once before convicted, it is felony.

Where a man transporteth rams or other sheep out of the king's dominions, the second time, it is felony.

Where a man being imprisoned for felony, breaks prison, it is felony.

Where a man procureth or consenteth to a felony to be committed, it is felony, as to make him accessary before the fact.

Where a man receiveth or relieveth a felon, knowing thereof, it is felony, as to make him accessary after the fact.

Where a woman, by the constraint of her husband, in his presence joineth with him in committing of felony, it is not felony, neither as principal, nor as accessary.

The punishment, trial, and proceeding in cases of felony.

In felony, the corporal punishment is by hanging, and it is doubtful whether the king may turn it into beheading in the case of a peer or other person of dignity, because in treason the striking off the head is part of the judgment, and so the king pardoneth the rest: but in felony it is no part of the judgment, and the king cannot alter the execution of law: yet precedents have been both ways.

In felony, there followeth corruption of blood, except it be in cases made felony by special statutes, with a proviso that there shall be no corruption of blood.

In felony, lands in fee-simple and goods are forfeited, but not lands entailed, and the profits of estates for life are likewise forfeited: And by some customs lands in fee-simple are not forfeited;

"The father to the bough, son to the plough,"

as in gavelkind in Kent, and other places.

In felony, the escheats go to the lord of the fee, and not to the king, except he be lord: but the profits of estate for lives, or in tail during the life of tenant in tail, go to the king; and the king hath likewise, in fee-simple lands holden of common lords, *annum, diem, et vastum.*

In felony, the lands are not in the king before office, nor in the lord before entry or recovery in writ of escheat, or death of the party attainted.

In felony, there can be no proceeding with the accessary before there be a proceeding with the principal; which principal if he die, or plead his pardon, or have his clergy before the attainder, the accessaries can never be dealt with.

In felony, if the party stand mute, and will not put himself upon his trial, or challenge peremptorily above the number that the law allows, he shall have judgment not of hanging, but of penance of pressing to death; but then he saves his lands, and forfeits only his goods.

In felony, at the common law, the benefit of clergy or sanctuary was allowed; but now by statutes it is taken away in most cases.

In felony, bail may be admitted where the fact is not notorious, and the person not of evil fame.

In felony, no counsel is to be allowed to the party, no more than in treason.

In felony, no witness shall be received upon oath for the party's justification, no more than in treason.

In felony, if the fact be committed beyond the seas, or upon the seas, "super altum mare," there is no trial at all in the one case, nor by course of jury in the other case, but by jurisdiction of the admiralty.

In felony, if the party be "non sanæ memoriæ," although it be after the fact, he cannot be tried or adjudged, except it be in course of outlawry, and that is also erroneous.

In felony, the death of the party before conviction dischargeth all proceedings and forfeitures.

In felony, if the party be once acquitted, or in peril of judgment of life lawfully, he shall never be brought in question again for the same fact.

In felony, the prosecution may be either at the king's suit, by way of indictment, or at the party's suit, by way of appeal; and if it be by way of appeal, the defendant shall have his counsel, and produce witnesses upon oath, as in civil causes.

In felony, the king may grant "hault justice" to a subject, with the regality of power to pardon it.

In felony, the trial of peers is all one as in case of treason.

In felony, the proceedings are in the king's bench, or before commissioners of oyer and terminer, or of gaol delivery, and in some cases before justices of peace.

Cases of felonia de se, *with the punishment, trial, and proceeding therein.*

In the civil law, and other laws, they make a difference of cases of *felonia de se:* for where a man is called in question upon any capital crime, and killeth himself to prevent the law, they give the same judgment in all points of forfeiture, as if they had been attainted in their life-time: And on the other side, where a man killeth himself upon impatience of sickness or the like, they do not punish it at all: but the law of England taketh it all in one degree, and punisheth it only with loss of goods to be forfeited to the king, who generally granteth them to his almoner, where they be not formerly granted unto special liberties.

OFFENCES OF PRÆMUNIRE.

Cases of præmunire.

Where a man purchaseth or accepteth any provision, that is, collation of any spiritual benefice or living, from the see of Rome, it is case of præmunire.

Where a man shall purchase any process to draw any people of the king's allegiance out of the realm, in plea, whereof the cognisance pertains to the king's court, and cometh not in person to answer his contempt in that behalf before the king and his council, or in his chancery, it is case of præmunire.

Where a man doth sue in any court which is not the king's court, to defeat or impeach any judgment given in the king's court, and doth not appear to answer his contempt, it is case of præmunire.

Where a man doth purchase or pursue in the court of Rome, or elsewhere, any process, sentence of excommunication, bull, instrument, or other thing which touches the king in his regality, or his realm in prejudice, it is a case of præmunire.

Where a man doth affirm or maintain any foreign authority of jurisdiction spiritual, or doth put in use or execute any thing for the advancement or setting forth thereof; such offence, the second time committed, is case of præmunire.

Where a man refuseth to take the oath of supremacy, being tendered by the bishop of the diocess, if he be an ecclesiastical person; or by commission out of the chancery, if he be a temporal person, it is case of præmunire.

Where the dean and chapter of any church upon the *Congé d'elire* of an archbishop or bishop, doth refuse to elect any such archbishop or bishop as is nominated unto them in the king's letters missive, it is case of præmunire.

Where a man doth contribute or give relief unto any Jesuit or seminary priests, or to any college of Jesuits or seminary priests, or to any person brought up therein, and called home, and not returning, it is case of præmunire.

Where a man is broker of an usurious contract above ten in the hundred, it is case of præmunire.

The punishment, trial, and proceedings in case of præmunire.

The punishment is by imprisonment during life, forfeiture of goods, forfeiture of lands in fee-simple, and forfeiture of the profits of lands entailed, or for life.

The trial and proceeding is as in cases of misprision of treason; and the trial is by peers, where a peer of the realm is the offender.

OFFENCES OF ABJURATION AND EXILE.

Cases of abjuration and exile, and the proceedings therein.

Where a man committeth any felony, for the which at this day he may have privilege of sanctuary, and taketh sanctuary, and confesseth the felony before the coroner, he shall abjure the liberty of the realm, and choose his sanctuary; and if he commit any new offence, or leave his sanctuary, he shall lose the privilege thereof, and suffer as if he had not taken sanctuary.

Where a man not coming to the church, and, being a popish recusant, doth persuade any of the king's subjects to impugn his Majesty's authority in causes ecclesiastical, or shall persuade any subject from coming to church, or receiving the communion, or persuade any subject to come to any unlawful conventicles, or shall be present at any such unlawful conventicles, and shall not after conform himself within a time, and make his submission, he shall abjure the realm, and forfeit his goods and lands during life; and if he depart not within the time prefixed, or return, he shall be in the degree of a felon.

Where a man being a popish recusant, and not having lands to the value of twenty marks *per annum*, nor goods to the value of 40*l.* shall not repair to his dwelling or place where he was born, and there confine himself within the compass of five miles, he shall abjure the realm; and if he return, he shall be in the degree of a felon.

Where a man kills the king's deer in chases or forests, and can find no sureties after a year's imprisonment, he shall abjure the realm.

Where a man is a trespasser in parks, or in ponds of fish, and after three years' imprisonment cannot find sureties, he shall abjure the realm.

Where a man is a ravisher of any child within age, whose marriage belongs to any person, and marrieth the said child after years of consent, and is not able to satisfy for the marriage, he shall abjure the realm.

OFFENCE OF HERESY.

Cases of heresy, and the trial and proceeding therein.

The declaration of heresy, and likewise the proceeding and judgment upon heretics, is by the common laws of this realm referred to the jurisdiction ecclesiastical, and the secular arm is reached unto them by the common laws, and not by any statute for the execution of them by the king's writ "de hæretico comburendo."

CASES OF THE KING'S PREROGATIVE.

The king's prerogative in parliament.

1. The king hath an absolute negative voice to all bills that pass the parliament, so as without his royal assent they have a mere nullity, and not so much as *authoritas præscripta*, or *senatus consulta* had, notwithstanding the intercession of tribunes.

2. The king may summon parliaments, dissolve them, adjourn and prorogue them at his pleasure.

3. The king may add voices in parliament at his pleasure, for he may give privileges to borough towns, and call and create barons at his pleasure.

4. No man can sit in parliament unless he take the oath of allegiance.

The king's prerogative in matters of war and peace.

1. The king hath power to declare and proclaim war, and make and conclude peace.

2. The king hath power to make leagues and confederacies with foreign estates, more or less strait, and to revoke and disannul them at his pleasure.

3. The king hath power to command the bodies of his subjects for the service of his wars, and to muster, train, and levy men, and to transport them by sea or land at his pleasure.

4. The king hath power in time of war to execute martial law, and to appoint all officers of war at his pleasure.

5. The king hath power to grant his letters of mart and reprisal for remedy to his subjects upon foreign wrongs.

6. The king may give knighthood, and thereby enable any subject to perform knight's service.

The king's prerogative in matter of money.

1. The king may alter his standard in baseness or fineness.

2. The king may alter his stamp in the form of it.

3. The king may at his pleasure alter the valuations, and raise and fall moneys.

4. The king may by proclamation make moneys of his own current or not.

5. The king may take or refuse the subjects' bullion, or coin for more or less money.

6. The king by proclamation may make foreign money current, or not.

The king's prerogative in matters of trade and traffick.

1. The king may constrain the person of any of his subjects not to go out of the realm.

2. The king may restrain any of his subjects to go out of the realm into any special part foreign.

3. The king may forbid the exportation of any commodities out of the realm.

4. The king may forbid the importation of any commodities into the realm.

5. The king may set a reasonable impost upon any foreign wares that come into the realm, and so of native wares that go out of the realm.

The king's prerogative in the persons of his subjects.

1. The king may create any corporation or body politic, and enable them to purchase, to grant, to sue, and be sued; and with such restrictions and limitations as he pleases.

2. The king may denizen and enable any foreigner for him and his descendants after the charter; though he cannot naturalize, nor enable him to make pedigree from ancestors paramount.

3. The king may enable any attainted person, by

his charter of pardon, and purge the blood for time to come, though he cannot restore the blood for the time past.

4. The king may enable any dead person in the law, as men professed in religion, to take and purchase to the king's benefit.

A twofold power of the law.

1. A direction: In this respect the king is underneath the law; because his acts are guided thereby.

2. Correction: In this respect the king is above the law; for it may not correct him for any offence.

A twofold power in the king.

1. His absolute power, whereby he may levy forces against any nation.

2. His limited power, which is declared and expressed in the laws what he may do.

AN EXPLANATION

WHAT MANNER OF PERSONS THOSE SHOULD BE THAT ARE TO EXECUTE THE POWER OR ORDINANCE

OF

THE KING'S PREROGATIVE.

1. That absolute prerogative, according to the king's pleasure, revealed by his laws, may be exercised and executed by any subject, to whom power may be given by the king, in any place of judgment or commission, which the king by his law hath ordained: in which the judge subordinate cannot wrong the people, the law laying down a measure by which every judge should govern and execute; against which law if any judge proceed, he is by the law questionable, and punishable for his transgression.

In this nature are all the judges and commissioners of the land, no otherwise than in their courts, in which the king in person is supposed to sit, who cannot make that trespass, felony, or treason, which the law hath not made so to be, neither can punish the guilty by other punishment than the laws have appointed.

This prerogative or power, as it is over all the subjects, so being known by the subjects, they are without excuse if they offend, and suffer no wrong if they be justly punished; and by this prerogative the king governeth all sorts of people according unto known will.

2. The absolute prerogative, which is in kings according to their private will and judgment, cannot be executed by any subject; neither is it possible to give such power by commission; or fit to subject the people to the same; for the king, in that he is the substitute of God immediately, the father of his people, and head of the commonwealth, hath by participation with God, and with his subjects, a discretion, judgment, and feeling love towards those, over whom he reigneth, only proper to himself, or to his place and person; who, seeing he cannot in any others infuse his wisdom, power, or gifts, which God, in respect of his place and charge, hath enabled him withal, can neither subordinate any other judge to govern by that knowledge, which the king can no otherwise, than by his known will, participate unto him: and if any such subordinate judge shall obtain commission according to the discretion of such judge to govern the people, that judge is bound to think that to be his soundest discretion, which the law, in which is the king's known will, showeth unto him to be that justice which he ought to administer; otherwise he might seem to esteem himself above the king's law, who will not govern by it, or to have a power derived from other than from the king, which in the kingdom will administer justice contrary unto the justice of the land: neither can such a judge or commissioner under the name of the king's authority shroud his own high action, seeing the conscience and discretion of every man is particular and private to himself, so as the discretion of the judge cannot be properly or possibly the discretion or the conscience of the king; and if not his discretion, neither the judgment that is ruled by another man's only.

Therefore it may seem they rather desire to be kings than to rule the people under the king, which will not administer justice by law, but by their own will.

3. This administration in a subject is derogative to the king's prerogative; for he administereth justice out of a private direction, being not capable of a general direction how to use the king's subjects at pleasure, in causes of particular respect; which if no other than the king himself can do, how can it be so that any man should desire that which is unfit and impossible, but that it must proceed out of some exorbitant affection? the rather, seeing such places be full of trouble and altogether unnecessary, no man will seek to thrust himself into them but for

hopes of gain. Then is not any prerogative oppugned, but maintained, though it be desired, that every subordinate magistrate may not be made supreme, whereby he may seize upon the hearts of the people, take from the king the respect due unto him only, or judge the people otherwise than the king doth himself.

4. And although the prince be not bound to render any account to the law, which in person he administereth himself, yet every subordinate judge must render an account to the king, by his laws, how he hath administered justice in his place where he is set. But if he hath power to rule by private direction, for which there is no law, how can he be questioned by a law, if in his private censure he offends?

5. Therefore, it seemeth, that in giving such authority, the king ordaineth not subordinate magistrates, but absolute kings: and what doth the king leave to himself, who giveth so much to others, as he hath himself? Neither is there a greater bond to tie the subject to his prince in particular, than when he shall have recourse unto him, in his person, or in his power, for relief of the wrongs which from private men be offered; or for reformation of the oppressions which any subordinate magistrate shall impose upon the people. There can be no offence in the judge, who hath power to execute according to his discretion, when the discretion of any judge shall be thought fit to be limited, and therefore there can be therein no reformation; whereby the king in this useth no prerogative to gain his subjects right; then the subject is bound to suffer helpless wrong; and the discontent of the people is cast upon the king; the laws being neglected, which with their equity in all other causes and judgments, saving this, interpose themselves and yield remedy.

6. And to conclude, custom cannot confirm that which is any ways unreasonable of itself.

Wisdom will not allow that, which is many ways dangerous, and no ways profitable.

Justice will not approve that government, where it cannot be but wrong must be committed.

Neither can there be any rule by which to try it, nor means of reformation of it.

7. Therefore, whosoever desireth government must seek such as he is capable of, not such as seemeth to himself most easy to execute; for it is apparent, that it is easy to him that knoweth not law nor justice, to rule as he listeth, his will never wanting a power to itself: but it is safe and blameless, both for the judge and people, and honour to the king, that judges be appointed who know the law, and that they be limited to govern according to the law.

THE OFFICE OF CONSTABLES,

ORIGINAL AND USE OF

COURTS LEET, SHERIFF'S TURN, ETC.

WITH THE ANSWERS TO THE QUESTIONS PROPOUNDED BY SIR ALEXANDER HAY, KNT. TOUCHING THE OFFICE OF CONSTABLES. A. D. 1608.

1. Question. "What is the original of constables?"

Answer. To the first question of the original of constables it may be said, "caput inter nubila condit;" for the authority was granted upon the ancient laws and customs of this kingdom practised long before the Conquest, and intended and executed for conservation of peace, and repression of all manner of disturbance and hurt of the people, and that as well by way of prevention as punishment; but yet so, as they have no judicial power, to hear and determine any cause, but only a ministerial power, as in the answer to the seventh article is demonstrated.

As for the office of high or head constable, the original of that is yet more obscure; for though the high constable's authority hath the more ample circuit, he being over the hundred, and the petty constable over the village; yet I do not find that the petty constable is subordinate to the high constable, or to be ordered or commanded by him; and therefore, I doubt, the high-constable was not *ab origine*; but that when the business of the county increased, the authority of justices of peace was enlarged by divers statutes, and then, for conveniency sake, the office of high constable grew in the use for the receiving of the commandments and prescripts from the justices of peace, and distributing them to the petty constables: and in token of this, the election of high-constable in most parts of the kingdom is by the appointment of the justices of the peace, whereas the election of the petty constable is by the people.

But there are two things unto which the office of constable hath special reference, and which of necessity, or at least a kind of congruity, must precede the jurisdiction of that office; either the things themselves, or something that hath a similitude or analogy towards them.

1. The division of the territory, or gross of the shires, into hundreds, villages, and towns; for the

igh constable is officer over the hundred, and the etty constable is over the town or village.

2. The court leet, unto which the constable is attendant and minister; for there the constables are hosen by the jury, there sworn, and there that part f their office which concerneth information is prinipally to be performed: for the jury being to preent offences and offenders, are chiefly to take light rom the constable of all matters of disturbance and uisance of the people; which they, in respect of heir office, are presumed to have best and most paricular knowledge of.

The jurisdiction of the court-leet is to three ends.

1. To take the ancient oath of allegiance of all nales above twelve years.

2. To inquire of all offences against the peace; and for those that are against the crown and peace both, to inquire of only, and certify to the justices of gaol delivery; but those that are against the peace simply, they are to inquire of and punish.

3. To inquire of, punish, and remove all public nuisances and grievances concerning infection of air, corruption of victuals, ease of chaffer, and contract of all other things that may hurt or grieve the people in general, in their health, quiet, and welfare.

And to these three ends, as matters of policy subordinate, the court-leet hath power to call upon the pledges that are to be taken of the good behaviour of the resiants that are not tenants, and to inquire of all defaults of officers, as constables, ale-tasters, and the like: and likewise for the choice of constables, as was said.

The jurisdiction of these leets is either remaining in the king, and in that case exercised by the sheriff in his Turn, which is the grand leet, or granted over to subjects; but yet it is still the king's court.

2. Quest. Concerning the election of constables?

Answ. The election of the petty constable, as was said, is at the court-leet by the inquest that make the presentments; and election of head constables is by the justices of the peace at their quarter sessions.

3. Quest. How long is their office?

Answ. The office of constable is annual, except they be removed.

4. Quest. Of what rank or order of men are they?

Answ. They be men, as it is now used, of inferior, yea, of base condition, which is a mere abuse or degenerating from the first institution; for the petty constables in towns ought to be of the better sort of resiants in the same; save that they be not aged or sickly, but of able bodies in respect of keeping watch and toil of their place; nor must they be in any man's livery. The high constables ought to be of the ablest freeholders, and substantialest sort of yeomen, next to the degree of gentlemen; but should not be encumbered with any other office, as mayor of a town, under-sheriff, bailiff, &c.

5. Quest. What allowance have the constables?

Answ. They have no allowance, but are bound by duty to perform their office gratis; which may the rather be endured because it is but annual, and they are not tied to keep or maintain any servants or under-ministers, for that every one of the king's people within their limits are bound to assist them.

6. Quest. What if they refuse to do their office?

Answ. Upon complaint made of their refusal to any one justice of peace, the said justice may bind them over to the sessions, where if they cannot excuse themselves by some allegation that is just, they may be fined and imprisoned for their contempt.

7. Quest. What is their authority or power?

Answ. The authority of the constable, as it is substantive, and of itself, or substituted, and astricted to the warrants and commands of the justices of the peace; so again it is original, or additional: for either it was given them by the common law, or else annexed by divers statutes. And as for subordinate power, wherein the constable is only to execute the commands of the justices of peace, and likewise the additional power which is given by divers statutes, it is hard to comprehend them in any brevity; for that they do correspond to the office and authority of justices of peace, which is very large, and are created by the branches of several statutes: but for the original and substantive power of constables, it may be reduced to three heads: namely.

1. For matter of peace only.
2. For peace and the crown.
3. For matter of nuisance, disturbance, and disorder, although they be not accompanied with violence and breach of the peace.

First, for pacifying of quarrel begun, the constable may, upon hot words given, or likelihood of breach of the peace to ensue, command them in the king's name to keep peace, and depart, and forbear: and so he may, where an affray is made, part the same, and keep the parties asunder, and arrest and commit the breakers of the peace, if they will not obey; and call power to assist him for that purpose.

For punishment of breach of peace past, the law is very sparing in giving any authority to constables, because they have not power judicial, and the use of his office is rather for preventing or staying of mischief, than for punishment of offences; for in that part he is rather to execute the warrants of the justices; or, when sudden matter ariseth upon his view, or notorious circumstances, to apprehend offenders, and to carry them before the justices of peace, and generally to imprison in like cases of necessity, where the case will not endure the present carrying of the party before the justices. And so much for peace.

Secondly, For matters of the crown, the office of the constable consisteth chiefly in these four parts:

1. To arrest.
2. To make hue and cry.
3. To search.
4. To seize goods.

All which the constable may perform of his own authority, without any warrant from the justices of the peace.

1. For, first, if any man will lay murder or felony to another's charge, or do suspect him of murder or felony, he may declare it to the constable, and the

constable ought, upon such declaration or complaint, to carry him before a justice of peace; and if by common voice or fame any man be suspected, the constable of duty ought to arrest him, and bring him before a justice of peace, though there be no other accusation or declaration.

2. If any house be suspected for receiving or harbouring of any felon, the constable, upon complaint or common fame, may search.

3. If any fly upon the felony, the constable ought to raise hue and cry.

4. And the constable ought to seize his goods, and keep them safe without impairing, and inventory them in presence of honest neighbours.

Thirdly, for matters of common nuisance and grievances, they are of very variable nature, according to the several comforts which man's life and society requireth, and the contraries which infest the same.

In all which, be it matter of corrupting air, water, or victuals, stopping, straitening, or endangering of passages, or general deceits in weights, measures, sizes, or counterfeiting wares, and things vendible; the office of constable is to give, as much as in him lies, information of them, and of the offenders, in leets, that they may be presented; but because leets are kept but twice in the year, and many of those things require present and speedy remedy, the constable, in things notorious and of vulgar nature, ought to forbid and repress them in the mean time: if not, they are for their contempt to be fined and imprisoned, or both, by the justices in their sessions.

8. Quest. What is their oath?

Answ. The manner of the oath they take is as followeth:

"You shall swear that you shall well and truly serve the king, and the lord of this law-day; and you shall cause the peace of our sovereign lord the king well and truly to be kept to your power; and you shall arrest all those that you see committing riots, debates, and affrays in breach of peace: and you shall well and truly endeavour yourself to your best knowledge, that the statute of Winchester for watching, hue and cry, and the statutes made for the punishment of sturdy beggars, vagabonds, rogues, and other idle persons coming within your office be truly executed, and the offenders be punished: and you shall endeavour, upon complaint made, to apprehend barreters and riotous persons making affrays, and likewise to apprehend felons; and if any of them make resistance with force, and multitude of misdemeanors, you shall make outcry and pursue them till they be taken; and shall look unto such persons as use unlawful games; and you shall have regard unto the maintenance of artillery; and you shall well and truly execute all process and precepts sent unto you from the justices of the peace of the county: and you shall make good and faithful presentments of all bloodsheds, out-cries, affrays, and rescues made within your office: and you shall well and truly, according to your own power and knowledge, do that which belongeth to your office of constable to do, for this year to come. So help," &c.

9. Quest. What difference is there betwixt the high constables and petty constables?

Answ. Their authority is the same in substance, differing only in the extent; the petty constable serving only for one town, parish, or borough; the head constable for the whole hundred: nor is the petty constable subordinate to the head constable for any commandment that proceeds from his own authority; but it is used, that the precepts of the justices be delivered unto the high constables, who being few in number, may better attend the justices, and then the head constables, by virtue thereof, make their precepts over to the petty constables.

10. Quest. Whether a constable may appoint a deputy?

Answ. In case of necessity a constable may appoint a deputy, or in default thereof, the steward of the court-leet may; which deputy ought to be sworn before the said steward.

The constable's office consists in three things:

1. Conservation of the peace.
2. Serving precepts and warrants.
3. Attendance for the execution of statutes.

Of the Jurisdiction of Justices itinerant in the Principality of Wales.

1. They have power to hear and determine all criminal causes, which are called, in the laws of England, pleas of the crown; and herein they have the same jurisdiction that the justices have in the court of the king's bench.

2. They have power to hear and determine all civil causes, which in the laws of England are called common-pleas, and to take knowledge of all fines levied of lands or hereditaments, without suing any *dedimus potestatem*; and herein they have the same jurisdiction that the justices of the common-pleas do execute at Westminster.

3. They have power also to hear and determine all assizes upon disseisin of lands or hereditaments, wherein they equal the jurisdiction of the justices of assize.

4. Justices of oyer and terminer therein may hear all notable violences and outrages perpetrated within their several precincts in the said principality of Wales.

The prothonotary's office is to draw all pleadings, and entereth and engrosseth all the records and judgments in all trivial causes.

These offices are in the king's gift.

The clerk of the crown, his office is to draw and engross all proceedings, arraignments, and judgments in criminal causes.

The marshal's office is to attend the persons of the judges at their coming, sitting, and going from their sessions or court.

These offices are in the judges' disposition.

The crier is "tanquam publicus præco," to call for such persons whose appearances are necessary, and to impose silence to the people.

The Office of Justice of Peace.

There is a commission under the great seal of England to certain gentlemen, giving them power to preserve the peace, and to resist and punish all turbulent

The office of justice of peace.

persons, whose misdemeanors may tend to the disquiet of the people; and these be called justices of the peace, and every of them may well and truly be called *Eirenarcha*.

The chief of them is called *Custos rotulorum*, in whose custody all the records of their proceedings are resident.

Others there are of that number called justices of peace and *quorum*, because in their commission they have power to sit and determine causes concerning breach of peace and misbehaviour. The words of their commission are conceived thus, *Quorum*, such and such, *unum vel duos, etc. esse volumus*; and without some one or more of the *quorum*, no sessions can be holden; and for the avoiding of a superfluous number of such justices, (for through the ambition of many it is counted a credit to be burthened with that authority,) the statute of 38 H. VIII. hath expressly prohibited that there shall be but eight justices of the peace in every county. These justices hold their sessions quarterly.

Justices of peace appointed by the lord keeper.

In every shire where the commission of the peace is established, there is a clerk of the peace for the entering and engrossing of all proceedings before the said justices. And this officer is appointed by the *custos rotulorum*.

The Office of Sheriffs.

Every shire hath a sheriff, which word, being of the Saxon English, is as much as to say shire-reeve, or minister of the county: his function or office is twofold, namely,

1. Ministerial.
2. Judicial.

34 H. 8. cap. 16.

1. He is the minister and executioner of all the process and precepts of the courts of law, and therefore ought to make return and certificate.

2. The sheriff hath authority to hold two several courts of distinct natures: 1. The *Turn*, because he keepeth his turn and circuit about the shire, holdeth the same court in several places, wherein he doth inquire of all offences perpetrated against the common law, and not forbidden by any statute or act of parliament; and the jurisdiction of this court is derived from justice distributive, and is for criminal offences, and held twice every year.

2. The *County Court*, wherein he doth determine all petty and small causes civil under the value of forty shillings, arising within the said county, and therefore it is called the county court.

The jurisdiction of this court is derived from justice commutative, and is held every month. The office of the sheriff is annual, and in the king's gift, whereof he is to have a patent.

The Office of Escheator.

Every shire hath an officer called an Escheator, which is to attend the king's revenue, and to seize into his Majesty's hands all lands escheated, and goods or lands forfeited, and therefore is called escheator; and he is to inquire by good inquest of the death of the king's tenant, and to whom the lands are descended, and to seize their bodies and lands for ward, if they be within age, and is accountable for the same; he is named or appointed by the lord treasurer of England.

The Office of Coroner.

Two other officers there are in every county called Coroners; and by their office they are to inquest in what manner, and by whom, every person dying of a violent death, came so to their death; and to enter the same of record; which is matter criminal, and a plea of the crown: and therefore they are called coroners, or crowners, as one hath written, because their inquiry ought to be *in corona populi*.

These officers are chosen by the freeholders of the shire, by virtue of a writ out of the chancery *de coronatore eligendo*: and of them I need not to write more, because these officers are in use every where.

General Observations touching Constables, Gaolers, and Bailiffs.

Forasmuch as every shire is divided into hundreds, there are also by the statute of 34 H. VIII. cap. 26, ordered and appointed, that two sufficient gentlemen or yeomen shall be appointed constables of every hundred.

Also there is in every shire a gaol or prison appointed for the restraint of liberty of such persons as for their offences are thereunto committed, until they shall be delivered by course of law.

In every hundred of every shire the sheriff thereof shall nominate sufficient persons to be bailiffs of that hundred, and under-ministers of the sheriffs: and they are to attend upon the justices in every of their courts and sessions.

Note. Archbishop Sancroft notes on this last chapter, written, say some, by Sir John Dodderidge, one of the justices of the king's bench, 1608.

THE

ARGUMENT OF SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S SOLICITOR GENERAL,

IN THE CASE OF

THE POST-NATI OF SCOTLAND,

IN THE EXCHEQUER CHAMBER,

BEFORE THE LORD CHANCELLOR, AND ALL THE JUDGES OF ENGLAND.

MAY IT PLEASE YOUR LORDSHIPS,

THIS case your lordships do well perceive to be of exceeding great consequence. For whether you do measure that by place, that reacheth not only to the realm of England, but to the whole island of Great Britain; or whether you measure that by time, that extendeth not only to the present time, but much more to future generations,

Et nati natorum, et qui nascentur ab illis:

And therefore as that is to receive at the bar a full and free debate, so I doubt not but that shall receive from your lordships a sound and just resolution according to law, and according to truth. For, my lords, though he were thought to have said well, that said that for his word, *Rex fortissimus;* yet he was thought to have said better, even in the opinion of the king himself, that said, *Veritas fortissima, et prævalet:* And I do much rejoice to observe such a concurrence in the whole carriage of this cause to this end, that truth may prevail.

The case no feigned or framed case; but a true case between true parties.

The title handled formerly in some of the king's courts, and freehold upon it; used indeed by his Majesty in his high wisdom to give an end to this great question, but not raised; *occasio*, as the schoolmen say, *arrepta, non porrecta.*

The case argued in the king's bench by Mr. Walter with great liberty, and yet with good approbation of the court: the persons assigned to be of counsel on that side, inferior to none of their quality and degree in learning; and some of them most conversant and exercised in the question.

The judges in the king's bench have adjourned it to this place for conference with the rest of their brethren. Your lordship, my lord chancellor, though you be absolute judge in the court where you sit, and might have called to you such assistance of judges as to you had seemed good; yet [illegible] forerun or lead in this case by any opi[illegible] be given; but have chosen rather to come yourself to this assembly; all tending, as I said, to this end, whereunto I for my part do heartily subscribe, *ut vincat veritas*, that truth may first appear, and then prevail. And I do firmly hold, and doubt not but I shall well maintain, that this is the truth, that Calvin the plaintiff is *ipso jure* by the law of England a natural-born subject, to purchase freehold, and to bring real actions within England. In this case I must so consider the time, as I must much more consider the matter. And therefore, though it may draw my speech into farther length, yet I dare not handle a case of this nature confusedly, but purpose to observe the ancient and exact form of pleadings, which is,

First, to explain or induce.
Then, to confute, or answer objections.
And lastly, to prove or confirm.

And first, for explanation. The outward question in this case is no more, but, Whether a child, born in Scotland since his Majesty's happy coming to the crown of England, be naturalized in England, or no? But the inward question or state of the question evermore beginneth where that which is confessed on both sides doth leave.

It is confessed, that if these two realms of England and Scotland were united under one law and one parliament, and thereby incorporated and made as one kingdom, that the *Post-natus* of such an union should be naturalized.

It is confessed, that both realms are united in the person of our sovereign; or, because I will gain nothing by surreption, in the putting of the question, that one and the same natural person is king of both realms.

It is confessed, that the laws and parliaments are several. So then, Whether this privilege and benefit of naturalization be an accessory or dependence upon that which is one and joint, or upon that which [illegible]ath been and must be the depth of the [illegible] [illegible]our lordships do see the

state of this question doth evidently lead me by way of inducement to speak of three things: The king, the law, and the privilege of naturalization. For if you well understand the nature of the two principals, and again the nature of the accessory; then shall you discern, to whether principal the accessory doth properly refer, as a shadow to a body, or iron to an adamant.

And therefore your lordships will give me leave, in a case of this quality, first to visit and open the foundations and fountains of reason, and not begin with the positions and eruditions of a municipal law; for so was that done in the great case of mines; and so ought that to be done in all cases of like nature. And this doth not at all detract from the sufficiency of our laws, as incompetent to decide their own cases, but rather addeth a dignity unto them, when their reason appearing as well as their authority doth show them to be as fine moneys, which are current not only by the stamp, because they are so received, but by the natural metal, that is, the reason and wisdom of them.

And master Littleton himself in his whole book doth commend but two things to the professors of the law by the name of his sons; the one, the inquiring and searching out the reasons of the law; and the other, the observing of the forms of pleadings. And never was there any case that came in judgment that required more, that Littleton's advice should be followed in those two points, than doth the present case in question. And first of the king.

It is evident that all other commonwealths, monarchies only excepted, do subsist by a law precedent. For where authority is divided amongst many officers, and they not perpetual, but annual or temporary, and not to receive their authority but by election, and certain persons to have voice only to that election, and the like; these are busy and curious frames, which of necessity do pre-suppose a law precedent, written or unwritten, to guide and direct them: but in monarchies, especially hereditary, that is, when several families, or lineages of people, do submit themselves to one line, imperial or royal, the submission is more natural and simple, which afterwards by laws subsequent is perfected and made more formal; but that is grounded upon nature. That this is so, it appeareth notably in two things; the one the platforms and patterns, which are found in nature of monarchies; the original submissions, and their motives and occasions. The platforms are three:

The first is that of a father, or chief of a family; who governing over his wife by prerogative of sex, over his children by prerogative of age, and because he is author unto them of being, and over his servants by prerogative of virtue and providence, (for he that is able of body, and improvident of mind, is *natura servus*,) that is the very model of a king. So is the opinion of Aristotle, lib. iii. Pol. cap. 14, where he saith, "Verum autem regnum est, cum penes unum est rerum summa potestas: quod regnum procurationem familiæ imitatur."

And therefore Lycurgus, when one counselled him to dissolve the kingdom, and to establish another form of estate, answered, "Sir, begin to do that which you advise first at home in your own house:" noting, that the chief of a family is as a king; and that those that can least endure kings abroad, can be content to be kings at home. And this is the first platform, which we see is merely natural.

The second is that of a shepherd and his flock, which, Xenophon saith, Cyrus had ever in his mouth. For shepherds are not owners of the sheep; but their office is to feed and govern: no more are kings proprietaries or owners of the people; for God is sole owner of people. "The nations," as the Scripture saith, "are his inheritance:" but the office of kings is to govern, maintain, and protect people. And that is not without a mystery, that the first king that was instituted by God, David, for Saul was but an untimely fruit, was translated from a shepherd, as you have it in Psalm lxxviii. "Et elegit David, servum suum, de gregibus ovium sustulit eum,—pascere Jacob servum suum, et Israel hæreditatem suam." This is the second platform; a work likewise of nature.

The third platform is the government of God himself over the world, whereof lawful monarchies are a shadow. And therefore both amongst the heathen, and amongst the christians, the word, sacred, hath been attributed unto kings, because of the conformity of a monarchy with the Divine Majesty: never to a senate or people. And so you find it twice in the lord Coke's Reports; once in the second book, the bishop of Winchester's case; and his fifth book, Cawdrie's case; and more anciently in the 10 of H. VII. fol. 18, "Rex est persona mixta cum sacerdote;" an attribute which the senate of Venice, or a canton of Swisses, can never challenge. So, we see, there be precedents or platforms of monarchies, both in nature, and above nature; even from the Monarch of heaven and earth to the king, if you will, in a hive of bees. And therefore other states are the creatures of law; and this state only subsisteth by nature.

For the original submissions, they are four in number: I will briefly touch them: The first is paternity or patriarchy, which is when a family growing so great as it could not contain itself within one habitation, some branches of the descendants were forced to plant themselves into new families, which second families could not by a natural instinct and inclination but bear a reverence, and yield an obeisance to the eldest line of the ancient family from which they were derived.

The second is, the admiration of virtue, or gratitude towards merit, which is likewise naturally infused into all men. Of this Aristotle putteth the case well, when it was the fortune of some one man, either to invent some arts of excellent use towards man's life, or to congregate people, that dwelt scattered, into one place, where they might cohabit with more comfort, or to guide them from a more barren land to a more fruitful, or the like; upon these deserts, and the admiration and recompence of them, people submitted themselves.

The third, which was the most usual of all, was

conduct in war, which even in nature induceth as great an obligation as paternity. For as men owe their life and being to their parents in regard of generation, so they owe that also to saviours in the wars in regard of preservation. And therefore we find in chap. xviii. of the book of Judges, ver. 22, "Dixerunt omnes viri ad Gideon, Dominare nostri, tu et filii tui, quoniam servasti nos de manu Madian." And so we read when it was brought to the ears of Saul, that the people sung in the streets, "Saul hath killed his thousand, and David his ten thousand" of enemies, he said straightways: "Quid ei superest nisi ipsum regnum?" For whosoever hath the military dependence, wants little of being king.

The fourth is an enforced submission, which is conquest, whereof it seemed Nimrod was the first precedent, of whom it is said: "Ipse cœpit potens esse in terra, et erat robustus venator coram Domino." And this likewise is upon the same root, which is the saving or gift as it were of life and being; for the conqueror hath power of life and death over his captives; and therefore where he giveth them themselves, he may reserve upon such a gift what service and subjection he will. All these four submissions are evident to be natural and more ancient than law.

To speak therefore of law, which is the second part of that which is to be spoken of by way of inducement. Law no doubt is the great organ by which the sovereign power doth move, and may be truly compared to the sinews in a natural body, as the sovereignty may be compared to the spirits: for if the sinews be without the spirits, they are dead and without motion; if the spirits move in weak sinews, it causeth trembling: so the laws, without the king's power, are dead; the king's power, except the laws be corroborated, will never move constantly, but be full of staggering and trepidation. But towards the king himself the law doth a double office or operation: the first is to entitle the king, or design him: and in that sense Bracton saith well, lib. 1, fol. 5, and lib. 3, fol. 107. "Lex facit quod ipse sit Rex;" that is, it defines his title; as in our law, That the kingdom shall go to the issue female; that it shall not be departable amongst daughters; that the half-blood shall be respected, and other points differing from the rules of common inheritance. The second is that whereof we need not fear to speak in good and happy times, such as these are, to make the ordinary power of the king more definite or regular: for it was well said by a father, "plenitudo potestatis est plenitudo tempestatis." And although the king, in his person, be *solutus legibus*, yet his acts and grants are limited by law, and we argue them every day.

But I demand, Do these offices or operations of law evacuate or frustrate the original submission, which was natural? Or shall it be said that all allegiance is by law? No more than it can be said, that *potestas patris*, the power of the father over the child, is by law; and yet no doubt laws do diversely define of that also; the law of some nations having given fathers power to put their children to death; others, to sell them thrice; others, to disinherit them by testament at pleasure, and the like. Yet no man will affirm, that the obedience of the child is by law, though laws in some points do make it more positive: and even so it is of allegiance of subjects to hereditary monarchs, which is corroborated and confirmed by law, but is the work of the law of nature. And therefore you shall find the observation true, and almost general in all states, that their lawgivers were long after their first kings, who governed for a time by natural equity without law: so was Theseus long before Solon in Athens: so was Eurytion and Sous long before Lycurgus in Sparta: so was Romulus long before the Decemviri. And even amongst ourselves there were more ancient kings of the Saxons; and yet the laws ran under the name of Edgar's laws. And in the refounding of the kingdom in the person of William the Conqueror, when the laws were in some confusion for a time, a man may truly say, that king Edward I. was the first lawgiver, who enacting some laws, and collecting others, brought the law to some perfection. And therefore I will conclude this point with the style which divers acts of parliaments do give unto the king: which term him very effectually and truly, "our natural sovereign liege lord." And as it was said by a principal judge here present when he served in another place, and question was moved by some occasion of the title of Bullein's lands, that he would never allow that queen Elizabeth (I remember it for the efficacy of the phrase) should be a statute queen, but a common-law queen: so surely I shall hardly consent that the king shall be esteemed or called only or rightful sovereign, or our lawful sovereign, but our natural liege sovereign; as acts of parliament speak: for as the common law is more worthy than the statute law; so the law of nature is more worthy than them both. Having spoken now of the king and the law, it remaineth to speak of the privilege and benefit of naturalization itself; and that according to the rules of the law of England.

Naturalization is best discerned in the degrees whereby the law doth mount and ascend thereunto. For it seemeth admirable unto me, to consider with what a measured hand and with how true proportions our law doth impart and confer the several degrees of this benefit. The degrees are four.

The first degree of persons, as to this purpose that the law takes knowledge of, is an alien enemy: that is, such a one as is born under the obeisance of a prince or state that is in hostility with the king of England. To this person the law giveth no benefit or protection at all, but if he come into the realm after war proclaimed, or war in fact, he comes at his own peril, he may be used as an enemy: for the law accounts of him but, as the Scripture saith, as of a spy that comes to see the weakness of the land. And so it is in 2 Ric. III. fol. 2. Nevertheless this admitteth a distinction. For if he come with safe-conduct, otherwise it is: for then he may not be violated, either in person or goods. But yet he must fetch his justice at the fountain-head, for none of the conduit-pipes are open to him; he can have no remedy in any of the king's courts; but he must

complain himself before the king's privy council: there he shall have a proceeding summary from hour to hour, the cause shall be determined by natural equity, and not by rules of law; and the decree of the council shall be executed by aid of the chancery, as in 13 Ed. IV. And this is the first degree.

The second person is an alien friend, that is, such a one as is born under the obeisance of such a king or state as is confederate with the king of England, or at least not in war with him. To this person the law allotteth this benefit, that as the law accounts that the hold it hath over him is but a transitory hold, for he may be an enemy, so the law doth endue him but with a transitory benefit, that is, of movable goods and personal actions. But for freehold, or lease, or actions real or mixt, he is not enabled, except it be in *autre droit*. And so it is 9 E. IV. fol. 7, 19 E. IV. fol. 6, 5 Mar. and divers other books.

The third person is a denizen, using the word properly, for sometimes it is confounded with a natural born subject. This is one that is but *subditus insitivus*, or *adoptivus*, and is never by birth, but only by the king's charter, and by no other mean, come he never so young into the realm, or stay he never so long. Mansion or habitation will not indenize him, no, nor swearing obedience to the king in a leet, which doth in-law the subject; but only, as I said, the king's grace and gift. To this person the law giveth an ability and capacity abridged, not in matter, but in time. And as there was a time when he was not subject, so the law doth not acknowledge him before that time. For if he purchase freehold after his denization, he may take it; but if he have purchased any before, he shall not hold it: so if he have children after, they shall inherit; but if he have any before, they shall not inherit. So as he is but privileged *a parte post*, as the schoolmen say, and not *a parte ante*.

The fourth and last degree is a natural born subject, which is evermore by birth, or by act of parliament; and he is complete and entire. For in the law of England there is *nil ultra*, there is no more subdivision or more subtile division beyond these: and therein it seemeth to me that the wisdom of the law, as I said, is to be admired both ways, both because it distinguisheth so far, and because it doth not distinguish farther. For I know that other laws do admit more curious distinction of this privilege; for the Romans had, besides *jus civitatis*, which answereth to naturalization, *jus suffragii*. For although a man were naturalized to take lands and inheritance, yet he was not enabled to have a voice at passing of laws, or at election of officers. And yet farther they have *jus petitionis*, or *jus honorum*. For though a man had voice, yet he was not capable of honour and office. But these be the devices commonly of popular or free estates, which are jealous whom they take into their number, and are unfit for monarchies; but by the law of England, the subject that is natural born hath a capacity or ability to all benefits whatsoever; I say capacity or ability: but to reduce *potentiam in actum*, is another case. For an earl of Ireland, though he be naturalized in England, yet hath no voice in the parliament of England, except he have either a call by writ, or creation by patent; but he is capable of either. But upon this quadripartite division of the ability of persons I do observe to your lordships three things, being all effectually pertinent to the question in hand.

The first is, that if any man conceive that the reasons for the *Post-nati* might serve as well for the *Ante-nati*, he may by the distribution which we have made plainly perceive his error. For the law looketh not back, and therefore cannot, by any matter *ex post facto*, after birth, alter the state of the birth; wherein no doubt the law hath a grave and profound reason; which is this, in few words, "Nemo subito fingitur; aliud est nasci, aliud fieri:" we indeed more respect and affect those worthy gentlemen of Scotland whose merits and conversations we know; but the law that proceeds upon general reason, and looks upon no men's faces, affecteth and privilegeth those which drew their first breath under the obeisance of the king of England.

The second point is, that by the former distribution it appeareth that there be but two conditions by birth, either alien, or natural born, "nam tertium penitus ignoramus." It is manifest then, that if the *Post-nati* of Scotland be not natural born, they are alien born, and in no better degree at all than Flemings, French, Italians, Spanish, Germans, and others, which are all at this time alien friends, by reason his Majesty is in peace with all the world.

The third point seemeth to me very worthy the consideration; which is, that in all the distributions of persons, and the degrees of abilities or capacities, the king's act is all in all, without any manner of respect to law or parliament. For it is the king that makes an alien enemy, by proclaiming a war, wherewith the law or parliament intermeddles not. So the king only grants safe-conducts, wherewith the law and parliament intermeddle not. It is the king likewise that maketh an alien friend, by concluding a peace, wherewith law and parliament intermeddle not. It is the king that makes a denizen by his charter, absolutely of his prerogative and power, wherewith law and parliament intermeddle not. And therefore it is strongly to be inferred, that as all these degrees depend wholly upon the king's act, and no ways upon law or parliament; so the fourth, although it cannot by the king's patent, but by operation of law, yet that the law, in that operation, respecteth only the king's person, without respect of subjection to law or parliament. And thus much by way of explanation and inducement: which being all matter in effect confessed, is the strongest ground-work to that which is contradicted or controverted.

There followeth the confutation of the arguments on the contrary side.

That which hath been materially objected, may be reduced to four heads.

The first is, that the privilege of naturalization followeth allegiance, and that allegiance followeth the kingdom.

The second is drawn from that common ground, "cum duo jura concurrunt in una persona, æquum

est ac si essent in duobus;" a rule, the words whereof are taken from the civil law; but the matter of it is received in all laws; being a very line or rule of reason, to avoid confusion.

The third consisteth of certain inconveniences conceived to ensue of this general naturalization, *ipso jure*.

The fourth is not properly an objection, but a preoccupation of an objection or proof on our part, by a distinction devised between countries devolute by descent, and acquired by conquest.

For the first, it is not amiss to observe that those who maintain this new opinion, whereof there is *altum silentium* in our books of law, are not well agreed in what form to utter and express that: for some said that allegiance hath respect to the law, some to the crown, some to the kingdom, some to the body politic of the king: so there is confusion of tongues amongst them, as it commonly cometh to pass in opinions that have their foundations in subtility and imagination of man's wit, and not in the ground of nature. But to leave their words, and to come to their proofs; they endeavour to prove this conceit by three manner of proofs: first, by reason; then, by certain inferences out of statutes; and lastly, by certain book-cases, mentioning and reciting the forms of pleadings.

The reason they bring is this; that naturalization is an operation of the law of England; and so indeed it is, that may be the true *genus* of it.

Then they add, that granted, that the law of England is of force only within the kingdom and dominions of England, and cannot operate but where it is in force. But the law is not in force in Scotland, therefore that cannot endure this benefit of naturalization by birth in Scotland.

This reason is plausible and sensible, but extremely erroneous. For the law of England, for matters of benefit or forfeitures in England, operateth over the world. And because it is truly said that "respublica continetur pœna et præmio," I will put a case or two of either.

It is plain that if a subject of England had conspired the death of the king in foreign parts, it was by the common law of England treason. How prove I that? By the statute of 35 H. VIII. cap. 2, wherein you shall find no words at all of making any new case of treason which was not treason before, but only of ordaining a form of trial; ergo, it was treason before: and if so, then the law of England works in foreign parts. So of contempts, if the king send his privy seal to any subject beyond the seas, commanding him to return, and he disobey, no man will doubt but there is a contempt, and yet the fact enduring the contempt was committed in foreign parts.

Therefore the law of England doth extend to acts or matters done in foreign parts. So of reward, privilege, or benefit, we need seek no other instance than the instance in question; for I will put you a case that no man shall deny, where the law of England doth work and confer the benefit of naturalization upon a birth neither within the dominions of the kingdom, nor king of England. By the statute of 25 E. III. which, if you will believe Hussey, is but a declaration of the common law, all children born in any parts of the world, if they be of English parents continuing at that time as liege subjects to the king, and having done no act to forfeit the benefit of their allegiance, are *ipso facto* naturalized. Nay, if a man look narrowly into the law in this point, he shall find a consequence that may seem at the first strange, but yet cannot be well avoided; which is, that if divers families of English men and women plant themselves at Middleborough, or at Roan, or at Lisbon, and have issue, and their descendants do intermarry amongst themselves, without any intermixture of foreign blood; such descendants are naturalized to all generations: for every generation is still of liege parents, and therefore naturalized; so as you may have whole tribes and lineages of English in foreign countries.

And therefore it is utterly untrue that the law of England cannot operate or confer naturalization, but only within the bounds of the dominions of England.

To come now to their inferences upon statutes; the first is out of this statute which I last recited. In which statute it is said, that in four several places there are these words, "born within the allegiance of England;" or again, "born without the allegiance of England;" which, say they, applies the allegiance to the kingdom, and not to the person of the king. To this the answer is easy; for there is no trope of speech more familiar than to use the place of addition for the person. So we say commonly, the line of York, or the line of Lancaster, for the lines of the duke of York, or the duke of Lancaster.

So we say the possessions of Somerset or Warwick, intending the possessions of the dukes of Somerset or earls of Warwick. So we see earls sign, Salisbury, Northampton, for the earls of Salisbury or Northampton. And in the very same manner the statute speaks, allegiance of England, for allegiance of the king of England. Nay more, if there had been no variety in the penning of that statute, this collection had had a little more force; for those words might have been thought to have been used of purpose and in propriety; but you may find in three other several places of the same statute, allegiance and obeisance of the king of England, and especially in the material and concluding place, that is to say, children whose parents were at the time of their birth at the faith and obeisance of the king of England. So that it is manifest by this indifferent and promiscuous use of both phrases, the one proper, the other improper, that no man can ground any inference upon these words without danger of cavillation.

The second statute out of which they infer, is a statute made in 32 Hen. VIII. touching the policy of strangers tradesmen within this realm. For the parliament finding that they did eat the Englishmen out of trade, and that they entertained no apprentices but of their own nation, did prohibit that they should receive any apprentice but the king's subjects. In which statute is said, that in nine several places there is to be found this context of words,

"aliens born out of the king's obedience;" which is pregnant, say they, and doth imply that there be aliens born within the king's obedience. Touching this inference, I have heard it said, "qui hæret in litera, hæret in cortice;" but this is not worthy the name of *cortex*, it is but *muscus corticis*, the moss of the bark. For it is evident that the statute meant to speak clearly and without equivocation, and to a common understanding. Now then there are aliens in common reputation, and aliens in precise construction of law; the statute then meaning not to comprehend Irishmen, or Jerseymen, or Calaismen, for explanation' sake, lest the word alien might be extended to them in a vulgar acceptance, added those farther words, "born out of the king's obedience." Nay, what if we should say, that those words, according to the received laws of speech, are no words of difference or limitation, but of declaration or description of an alien, as if it had been said with a *videlicet*, aliens; that is, such as are born out of the king's obedience? they cannot put us from that construction. But sure I am, if the bark makes for them, the pith makes for us; for the privilege of liberty which the statute means to deny to aliens of entertaining apprentices, is denied to none born within the king's obedience, call them aliens or what you will. And therefore by their reason, a *post-natus* of Scotland shall by that statute keep what stranger apprentices he will, and so is put in the degree of an English. The third statute out of which inference is made, is the statute of 14 E. III. cap. solo, which hath been said to be our very case: and I am of that opinion too, but directly the other way. Therefore to open the scope and purpose of that statute: After that the title to the crown of France was devolute to K. E. III. and that he had changed his style, changed his arms, changed his seal, as his Majesty hath done, the subjects of England, saith the statute, conceived a fear that the realm of England might become subject to the realm of France, or to the king as king of France. And I will give you the reasons of the double fear, that it should become subject to the realm of France. They had this reason of fear; Normandy had conquered England, Normandy was feudal of France, therefore because the superior seigniory of France was now united in right with the tenancy of Normandy, and that England, in regard of the conquest, might be taken as a perquisite to Normandy, they had probable reason to fear that the kingdom of England might be drawn to be subject to the realm of France. The other fear, that England might become subject to the king as king of France, grew no doubt of this foresight, that the kings of England might be like to make their mansion and seat of their estate in France, in regard of the climate, wealth, and glory of that kingdom; and thereby the kingdom of England might be governed by the king's mandates and precepts issuing as from the king of France. But they will say, whatsoever the occasion was, here you have the difference authorized of subjection to a king generally, and subjection to a king as king of a certain kingdom: but to this I give an answer threefold:

First, it presseth not the question: for doth any man say that a *post-natus* of Scotland is naturalized in England, because he is a subject of the king as king of England? No, but generally because he is the king's subject.

Secondly, the scope of this law is to make a distinction between crown and crown; but the scope of their argument is to make a difference between crown and person. Lastly, this statute, as I said, is our very case retorted against them; for this is a direct statute of separation, which presupposeth that the common law had made an union of the crowns in some degree, by virtue of the union in the king's person: if this statute had not been made to stop and cross the course of the common law in that point, as if Scotland now should be suitors to the king, that an act might pass to like effect, and upon like fear. And therefore if you will make good your distinction in this present case, show us a statute for that. But I hope you can show no statute of separation between England and Scotland. And if any man say that this was a statute declaratory of the common law, he doth not mark how that is penned: for after a kind of historical declaration in the preamble, that England was never subject to France, the body of the act was penned thus: "The king doth grant and establish;" which are words merely introductive *novæ legis*, as if the king gave a charter of franchise, and did invest, by a donative, the subjects of England with a new privilege or exemption, which by the common law they had not.

To come now to the book-cases which they put: which I will couple together, because they receive one joint answer.

The first is 42 E. III. fol. where the book saith, exception was taken that the plaintiff was born in Scotland at Ross, out of the allegiance of England.

The next is 22 H. VI. fol. 38, Adrian's case; where it is pleaded that a woman was born at Bruges, out of the allegiance of England.

The third is 13 Eliz. Dyer, fol. 300, where the case begins thus: "Doctor Story qui notorie dignoscitur esse subditus regni Angliæ." In all these three, say they, that is pleaded, that the party is subject of the kingdom of England, and not of the king of England.

To these books I give this answer, that they be not the pleas at large, but the words of the reporter, who speaks compendiously and narratively, and not according to the solemn words of the pleading. If you find a case put, that it is pleaded a man was seised in fee-simple, you will not infer upon that, that the words of the pleading were *in feodo simplici*, but *sibi et hæredibus suis*. But show me some precedent of a pleading at large, of "natus sub ligeantia regni Angliæ;" for whereas Mr. Walter said that pleadings are variable in this point, he would fain bring it to that; but there is no such matter; for the pleadings are constant and uniform in this point: they may vary in the word *fides* or *ligeantia*, or *obedientia*, and some other circumstances; but in the form of *regni* and *regis* they vary not; neither can there, as I am persuaded, be any one instance showed forth to the contrary. See

9 Eliz. 4, Baggot's Assize, fol. 7, where the pleading at large is entered in the book; there you have "alienigena natus extra ligeantiam domini regis Angliæ." See the precedents in the book of entries, pl. 7, and two other places, for there be no more: and there you shall find still "sub ligeantia domini regis," or "extra ligeantiam domini regis." And therefore the forms of pleading, which are things so reverend, and are indeed towards the reasons of the law, as *palma*, and *pugnus*, containing the reason of the law, opened or unfolded, or displayed, they make all for us. And for the very words of reporters in books, you must acknowledge and say, "ilicet obruimur numero." For you have 22 Ass. pl. 25, 27 Ass. the prior of Shell's case, pl. 48, 14 H. IV. fol. 19, 3 H. VI. fol. 35, 6 H. VIII. in my lord Dyer, fol. 2. In all these books the very words of the reporters have "the allegiance of the king," and not, the allegiance of England. And the book in the 24 Edw. III. which is your best book, although while it is tossed at the bar, you have sometimes the words "allegiance of England," yet when it comes to Thorp, chief justice, to give the rule, he saith, "we will be certified by the roll, whether Scotland be within the allegiance of the king." Nay, that farther form of pleading beateth down your opinion: That it sufficeth not to say that he is born out of the allegiance of the king, and stay there, but he must show in the affirmative under the allegiance of what king or state he was born. The reason whereof cannot be, because it may appear whether he be a friend or an enemy, for that in a real action is all one: nor it cannot be because issue shall be taken thereupon; for the issue must arise on the other side upon *indigena* pleaded and traversed. And therefore it can have no other reason, but to apprize the court more certainly, that the country of the birth is none of those that are subject to the king. As for the trial, that it should be impossible to be tried, I hold it not worth the answering; for the *venire facias* shall go either where the natural birth is laid, although it be but by fiction, or if it be laid according to the truth, it shall be tried where the action is brought, otherwise you fall upon a main rock, that breaketh your argument in pieces; for how should the birth of an Irishman be tried, or of a Jerseyman? nay, how should the birth of a subject be tried, that is born of English parents in Spain or Florence, or any part of the world? For to all these the like objection of trial may be made, because they are within no counties: and this receives no answer. And therefore I will now pass on to the second main argument.

It is a rule of the civil law, say they, "Cum duo jura," etc. when two rights do meet in one person, there is no confusion of them, but they remain still in the eye of law distinct, as if they were in several persons: and they bring examples of one man bishop of two sees, or one person that is rector of two churches. They say this unity in the bishop or the rector doth not create any privity between the parishioners or dioceseners, more than if there were several bishops, or several persons. This rule I allow, as was said, to be a rule not of the civil law only but of common reason, but receiveth no forced or coined, but a true and sound distinction or limitation, which is, that it evermore faileth and deceiveth in cases where there is any vigour or operation of the natural person; for generally in corporations the natural body is but *suffulcimentum corporis corporati*, it is but as a stock to uphold and bear out the corporate body; but otherwise it is in the case of the crown, as shall be manifestly proved in due place. But to show that this rule receiveth this distinction, I will put but two cases; the statute of 21 H. VIII. ordaineth that a marquis may retain six chaplains qualified, a lord treasurer of England four, a privy-counsellor three. The lord treasurer Paulet was marquis of Winchester, lord treasurer of England, and privy-counsellor, all at once. The question was, whether he should qualify thirteen chaplains? Now by the rule "Cum duo jura" he should; but adjudged, he should not. And the reason was, because the attendance of chaplains concerned and respected his natural person; he had but one soul, though he had three offices. The other case which I will put is the case of homage. A man doth homage to his lord for a tenancy held of the manor of Dale; there descendeth unto him afterwards a tenancy held of the manor of Sale, which manor of Sale is likewise in the hands of the same lord. Now by the rule "Cum duo jura," he should do homage again, two tenancies and two seignioriez, though but one tenant and one lord, "æquum est ac si esset in duobus:" but ruled that he should not do homage again: nay in the case of the king he shall not pay a second respect of homage, as upon grave and deliberate consideration it was resolved, 24 Hen. VIII. and *usus scaccarii*, as there is said, accordingly. And the reason is no other but because when a man is sworn to his lord, he cannot be sworn over again: he hath but one conscience, and the obligation of this oath trencheth between the natural person of the tenant and the natural person of the lord. And certainly the case of homage and tenure, and of homage liege, which is one case, are things of a near nature, save that the one is much inferior to the other; but it is good to behold these great matters of state in cases of lower element, as the eclipse of the sun is used to be in a pail of water.

The third main argument containeth certain supposed inconveniences, which may ensue of a general naturalization *ipso jure*, of which kind three have been specially remembered.

The first is the loss of profit to the king upon letters of denization and purchases of aliens.

The second is the concourse of Scotsmen into this kingdom, to the enfeebling of that realm of Scotland in people, and the impoverishing of this realm of England in wealth.

The third is, that the reason of this case stayeth not within the compass of the present case; for although it were some reason that Scotsmen were naturalized, being people of the same island and language, yet the reason which we urge, which is, that they are subject to the same king, may be applied to persons every way more estranged from us than they are; as if in future time, in the king's descendants,

there should be a match with Spain, and the dominions of Spain should be united with the crown of England, by one reason, say they, all the West Indies should be naturalized; which are people not only *alterius soli*, but *alterius cœli*.

To these conceits of inconvenience, how easy is it to give answer, and how weak they are in themselves, I think no man that doth attentively ponder them can doubt: for how small revenue can arise of such denizations, and how honourable were it for the king to take escheats of his subjects, as if they were foreigners, for seizure of aliens' lands are in regard the king hath no hold or command of their persons and services, every one may perceive. And for the confluence of Scotsmen, I think, we all conceive the spring-tide is past at the king's first coming in. And yet we see very few families of them throughout the cities and boroughs of England. And for the naturalizing of the Indies, we can readily help that, when the case comes; for we can make an act of parliament of separation if we like not their consort. But these being reasons politic, and not legal, and we are not now in parliament, but before a judgment-seat, I will not meddle with them, especially since I have one answer which avoids and confounds all their objections in law; which is, that the very self-same objections do hold in countries purchased by conquest. For in subjects obtained by conquest, it were more profit to indenizate by the poll; in subjects obtained by conquest, they may come in too fast. And if king Henry VII. had accepted the offer of Christopher Columbus, whereby the crown of England had obtained the Indies by conquest or occupation, all the Indies had been naturalized by the confession of the adverse part. And therefore since it is confessed, that subjects obtained by conquest are naturalized, and that all these objections are common and indifferent, as well to case of conquest as case of descent, these objections are in themselves destroyed.

And therefore, to proceed now to overthrow that distinction of descent and conquest. Plato saith well, the strongest of all authorities is, if a man can allege the authority of his adversary against himself: we do urge the confession of the other side, that they confessed the Irish are naturalized; that they confess the subjects of the isles of Jersey and Guernsey, and Berwick, to be naturalized, and the subjects of Calais and Tournay, when they were English, were naturalized; as you may find in the 5 Eliz. in Dyer, upon the question put to the judges by Sir Nicholas Bacon, lord keeper.

To avoid this, they fly to a difference, which is new coined, and is, (I speak not to the disadvantage of the persons that use it; for they are driven to it "tanquam ad ultimum refugium;" but the difference itself,) it is, I say, full of ignorance and error. And therefore, to take a view of the supports of this difference, they allege four reasons.

The first is, that countries of conquest are made parcel of England, because they are acquired by the arms and treasure of England. To this I answer, that it were a very strange argument, that if I wax rich upon the manor of Dale, and upon the revenue thereof purchase a close by it, that it should make that parcel of the manor of Dale. But I will set this new learning on ground with a question or case put. For I oppose them that hold this opinion with this question, If the king should conquer any foreign country by an army compounded of Englishmen and Scotsmen, as it is like, whensoever wars are, so it will be, I demand, Whether this country conquered shall be naturalized both in England and Scotland, because it was purchased by the joint arms of both? and if yea, Whether any man will think it reasonable, that such subjects be naturalized in both kingdoms; the one kingdom not being naturalized towards the other? These are the intricate consequences of conceits.

A second reason they allege is, that countries won by conquest become subject to the laws of England, which countries patrimonial are not, and that the law doth draw the allegiance, and allegiance naturalization.

But to the major proposition of that argument, touching the dependency of allegiance upon law, somewhat hath been already spoken, and full answer shall be given when we come to it. But in this place it shall suffice to say, that the minor proposition is false; that is, that the laws of England are not superinduced upon any country by conquest; but that the old laws remain until the king by his proclamation or letters patent declare other laws, and then if he will he may declare laws which be utterly repugnant, and differing from the laws of England. And hereof many ancient precedents and records may be showed, that the reason why Ireland is subject to the laws of England is not *ipso jure* upon conquest, but grew by a charter of king John; and that extended but to so much as was then in the king's possession; for there are records in the time of king E. I. and II. of divers particular grants to sundry subjects of Ireland and their heirs, that they might use and observe the laws of England.

The third reason is, that there is a politic necessity of intermixture of people in case of subjection by conquest, to remove alienations of mind, and to secure the state; which holdeth not in case of descent. Here I perceive Mr. Walter hath read somewhat in matter of state; and so have I likewise; though we may both quickly lose ourselves in causes of this nature. I find by the best opinions, that there be two means to assure and retain in obedience countries conquered, both very differing, almost in extremes, the one towards the other.

The one is by colonies, and intermixture of people, and transplantation of families, which Mr. Walter spoke of; and it was indeed the Roman manner: but this is like an old relic, much reverenced and almost never used. But the other, which is the modern manner, and almost wholly in practice and use, is by garrisons and citadels, and lists or companies of men of war, and other like matters of terror and bridle.

To the first of these, which is little used, it is true that naturalization doth conduce, but to the latter it is utterly opposite, as putting too great pride and means to do hurt in those that are meant to be kept short and low. And yet in the very first case,

of the Roman proceeding, naturalization did never follow by conquest, during all the growth of the Roman empire; but was ever conferred by charters, or donations, sometimes to cities and towns, sometimes to particular persons, and sometimes to nations, until the time of Adrian the emperor, and the law "In orbe Romano:" and that law or constitution is not referred to title of conquest and arms only, but to all other titles; as by the donation and testament of kings, by submission and dedition of states, or the like: so as this difference was as strange to them as to us. And certainly I suppose it will sound strangely in the hearing of foreign nations, that the law of England should *ipso facto* naturalize subjects of conquests, and should not naturalize subjects which grow unto the king by descent: that is, that it should confer the benefit and privilege of naturalization upon such as cannot at the first but bear hatred and rancour to the state of England, and have had their hands in the blood of the subjects of England, and should deny the like benefit to those that are conjoined with them by a more amiable mean; and that the law of England should confer naturalization upon slaves and vassals, for people conquered are no better in the beginning, and should deny it to freemen: I say, it will be marvelled at abroad, of what complexion the laws of England be made, that breedeth such differences. But there is little danger of such scandals; for this is a difference that the law of England never knew.

The fourth reason of this difference is, that in case of conquest the territory united can never be separated again. But in case of descent, there is a possibility; if his Majesty's line should fail, the kingdoms may sever again to their respective heirs; as in the case of 8 Hen. VI. where it is said, that if land descend to a man from the ancestor on the part of his father, and a rent issuing out of it from an ancestor on the part of the mother; if the party die without issue, the rent is revived. As to this reason, I know well the continuance of the king's line is no less dear to those that allege the reason, than to us that confute it. So as I do not blame the passing of the reason: but it is answered with no great difficulty; for, first, the law doth never respect remote and foreign possibilities, as notably appeared in the great case between Sir Hugh Cholmley and Houlford in the exchequer, where one in the remainder, to the end to bridle tenant in tail from suffering a common recovery, granted his remainder to the king; and because he would be sure to have it out again without charge or trouble when his turn was served, he limited it to the king during the life of tenant in tail. Question grew, whether this grant of remainder were good, yea or no. And it is said to be frivolous and void, because it could never by any possibility execute; for tenant in tail cannot surrender; and if he died, the remainder likewise ceased. To which it was answered, that there was a possibility that it might execute, which was thus: Put case, that tenant in tail should enter into religion, having no issue; then the remainder should execute, and the king should hold the land during the natural life of tenant in tail, notwithstanding his civil death. But the court *una voce* exploded this reason, and said, that monasteries were down, and entries into religion gone, and they must be up again ere this could be; and that the law did not respect such remote and foreign possibilities. And so we may hold this for the like: for I think we all hope, that neither of those days shall ever come, either for monasteries to be restored, or for king's line to fail. But the true answer is, that the possibility subsequent, remote or not remote, doth not alter the operation of law for the present. For that should be, as if in case of the rent which you put, you should say, that in regard that the rent may be severed, it should be said to be *in esse* in the mean time, and should be grantable; which is clearly otherwise. And so in the principal case, if that should be, which God of his goodness forbid, "ceasante causa cessat effectus," the benefit of naturalization for the time to come is dissolved. But that altereth not the operation of the law; "rebus sic stantibus." And therefore I conclude, that this difference is but a device full of weakness and ignorance; and that there is one and the same reason of naturalizing subjects by descent, and subjects by conquest; and that is the union in the person of the king; and therefore that the case of Scotland is as clear as that of Ireland, and they that grant the one cannot deny the other. And so I conclude the second part, touching confutation.

To proceed therefore to the proofs of our part, your lordships cannot but know many of them must be already spent in the answer which we have made to the objections. For "corruptio unius, generatio alterius," holds as well in arguments, as in nature, the destruction of an objection begets a proof. But nevertheless I will avoid all iteration, lest I should seem either to distract your memories, or to abuse your patience; but will hold myself only to those proofs which stand substantially of themselves, and are not intermixed with matter of confutation. I will therefore prove unto your lordships that the *post-nati* of Scotland is by the law of England natural, and ought so to be adjudged, by three courses of proof.

1. First, upon point of favour of law.
2. Secondly, upon reasons and authority of law.
3. And lastly, upon former precedents and examples.

1. Favour of law, what mean I by that? The law is equal, and favoureth not. It is true, not persons; but things or matters it doth favour. Is it not a common principle, that the law favoureth three things, life, liberty, and dower? And what is the reason of this favour? This, because our law is grounded upon the law of nature. And these three things do flow from the law of nature, preservation of life natural; liberty which every beast or bird seeketh and affecteth naturally; the society of man and wife, whereof dower is the reward natural. It is well, doth the law favour liberty so highly, as a man shall enfranchise his bondman when he thinketh not of it, by granting to him lands or goods: and is the reason of it "quia natura omnes homines erant liberi;" and that servitude or villenage doth cross and abridge the law of nature? And doth

not the self-same reason hold in the present case? For, my lords, by the law of nature all men in the world are naturalized one towards another; they were all made of one lump of earth, of one breath of God; they had the same common parents: nay, at the first they were, as the Scripture showeth, "unius labii," or one language, until the curse; which curse, thanks be to God, our present case is exempted from. It was civil and national laws that brought in these words, and differences, of *civis* and *exterus*, alien and native. And therefore because they tend to abridge the law of nature, the law favoureth not them, but takes them strictly; even as our law hath an excellent rule, That customs of towns and boroughs shall be taken and construed strictly and precisely, because they do abridge and derogate from the law of the land. So by the same reason all national laws whatsoever are to be taken strictly and hardly in any point wherein they abridge, and derogate from the law of nature. Whereupon I conclude that your lordships cannot judge the law for the other side, except the case be *luce clarius*. And if it appear to you but doubtful, as I think no man in his right senses but will yield it to be at least doubtful, then ought your lordships, under your correction be it spoken, to pronounce for us because of the favour of the law. Farthermore, as the law of England must favour naturalization as a branch of the law of nature, so it appears manifestly, that it doth favour it accordingly. For is it not much to make a subject naturalized? By the law of England, it should suffice, either place or parents, if he be born in England it is no matter though his parents be Spaniards, or what you will. On the other side, if he be born of English parents it skilleth not though he be born in Spain, or in any other place in the world. In such sort doth the law of England open her lap to receive in people to be naturalized; which indeed showeth the wisdom and excellent composition of our law, and that it is the law of a warlike and magnanimous nation fit for empire. For look, and you shall find that such kind of estates have been ever liberal in point of naturalization; whereas merchant-like and envious estates have been otherwise.

For the reasons of law joined with authorities, I do first observe to your lordships that our assertion or affirmation is simple and plain: that it sufficeth to naturalization, that there be one king, and that the party be "natus ad fidem regis," agreeable to the definition of Littleton, which is: Alien is he which is born out of the allegiance of our lord the king. They of the other side speak of respects, and *quoad*, and *quatenus*, and such subtilties and distinctions. To maintain therefore our assertion, I will use three kinds of proof.

The first is, that allegiance cannot be applied to the law or kingdom, but to the person of the king, because the allegiance of the subject is more large and spacious, and hath a greater latitude and comprehension than the law or the kingdom. And therefore it cannot be a dependency of that without the which it may of itself subsist.

The second proof which I will use is, that the natural body of the king hath an operation and influence into his body politic, as well as his body politic hath upon his body natural; and therefore that although his body politic of king of England, and his body politic of king of Scotland, be several and distinct, yet nevertheless his natural person, which is one, hath an operation upon both, and createth a privity between them.

And the third proof is the binding text of five several statutes.

For the first of these, I shall make it manifest, that the allegiance is of a greater extent and dimension than laws or kingdom, and cannot consist by the laws merely; because it began before laws it continueth after laws, and it is in vigour where laws are suspended and have not their force. That it is more ancient than law, appeareth by that which was spoken in the beginning by way of inducement, where I did endeavour to demonstrate, that the original age of kingdoms was governed by natural equity, that kings were more ancient than lawgivers, that the first submissions were simple, and upon confidence to the person of kings, and that the allegiance of subjects to hereditary monarchies can no more be said to consist by laws than the obedience of children to parents.

That allegiance continueth after laws, I will only put the case, which was remembered by two great judges in a great assembly, the one of them now with God: which was; That if a king of England should be expulsed his kingdom, and some particular subjects should follow him in flight or exile in foreign parts, and any of them there should conspire his death; that, upon his recovery of his kingdom, such a subject might by the law of England be proceeded with for treason committed and perpetrated at what time he had no kingdom, and in place where the law did not bind.

That allegiance is in vigour and force where the power of law hath a cessation, appeareth notably in time of wars, for "silent leges inter arma." And yet the sovereignty and imperial power of the king is so far from being then extinguished or suspended, as contrariwise it is raised and made more absolute; for then he may proceed by his supreme authority, and martial law, without observing formalities of the laws of his kingdom. And therefore whosoever speaketh of laws, and the king's power by laws, and the subject's obedience or allegiance to laws, speak but of one half of the crown. For Bracton, out of Justinian, doth truly define the crown to consist of laws and arms, power civil and martial, with the latter whereof the law doth not intermeddle: so as where it is much spoken, that the subjects of England are under one law, and the subjects of Scotland are under another law, it is true at Edinburgh or Stirling, or again in London or York; but if Englishmen and Scotsmen meet in an army royal before Calais, I hope, then, they are under one law. So likewise not only in time of war, but in time of peregrination: If a king of England travel or pass through foreign territories, yet the allegiance of his subjects followeth him: as appeareth in that notable case which is reported in Fleta, where one of the

train of king Edward I. as he passed through France from the Holy Land, embezzled some silver plate at Paris, and jurisdiction was demanded of this crime by the French king's counsel at law, *ratione soli*, and demanded likewise by the officers of king Edward *ratione personæ;* and after much solemnity, contestation, and interpleading, it was ruled and determined for king Edward, and the party tried and judged before the knight marshal of the king's house, and hanged after the English law, and execution in St. Germain's meadows. And so much for my first proof.

For my second main proof, that is drawn from the true and legal distinction of the king's several capacities; for they that maintain the contrary opinion do in effect destroy the whole force of the king's natural capacity, as if it were drowned and swallowed up by his politic. And therefore I will first prove to your lordships, that his two capacities are in no sort confounded. And secondly, that as his capacity politic worketh so upon his natural person, as it makes it differ from all other the natural persons of his subjects; so *e converso*, his natural body worketh so upon his politic, as the corporation of the crown utterly differeth from all other corporations within the realm.

For the first, I will vouch you the very words which I find in that notable case of the duchy, where the question was, whether the grants of king Edward VI. for duchy lands should be avoided in point of nonage? The case, as your lordships know well, is reported by Mr. Plowden as the general resolution of all the judges of England, and the king's learned counsel, Rouswell the solicitor only excepted; there I find the said words, Comment. fol. 215. "There is in the king not a body natural alone, nor a body politic alone, but a body natural and politic together:" "corpus corporatum in corpore naturali, et corpus naturale in corpore corporato." The like I find in the great case of the lord Berkley set down by the same reporter, Comment. fol. 234. "Though there be in the king two bodies, and that those two bodies are conjoined, yet are they by no means confounded the one by the other."

Now then to see the mutual and reciprocal intercourse, as I may term it, or influence, or communication of qualities, that these bodies have the one upon the other: the body politic of the crown endueth the natural person of the king with these perfections: That the king in law shall never be said to be within age: that his blood shall never be corrupted: and that if he were attainted before, the very assumption of the crown purgeth it. That the king shall not take but by matter of record, although he take in his natural capacity as upon a gift in tail. That his body in law shall be said to be as it were immortal; for there is no death of the king in law, but a demise, as it is termed: with many other the like privileges and differences from other natural persons too long to rehearse, the rather because the question laboureth not in that part. But on the contrary part let us see what operations the king's natural person hath upon his crown and body politic: of which the chiefest and greatest is, that it causeth the crown to go by descent, which is a thing strange and contrary to the course of all corporations, which evermore take in succession, and not by descent; for no man can show me in all the corporations of England, of what nature soever, whether they consist of one person, or of many; or whether they be temporal or ecclesiastical, any one takes to him and his heirs, but all to him and his successors. And therefore here you may see what a weak course that is, to put cases of bishops and parsons, and the like, and to apply them to the crown. For the king takes to him and his heirs in the manner of a natural body, and the word successors is but superfluous: and where that is used, that is ever duly placed after the word heirs, "the king, his heirs, and successors."

Again, no man can deny but "uxor et filius sunt nomina naturæ." A corporation can have no wife, nor a corporation can have no son: how is it then that it is treason to compass the death of the queen or of the prince? There is no part of the body politic of the crown in either of them, but it is entirely in the king. So likewise we find in the case of the lord Berkley, the question was, whether the statute of 35 Henry VIII. for that part which concerned queen Catharine Par's jointure, were a public act or no, of which the judges ought to take notice, not being pleaded; and judged a public act. So the like question came before your lordship, my lord chancellor, in serjeant Heale's case: whether the statute of 11 Edward III. concerning the entailing of the dukedom of Cornwall to the prince, were a public act or no; and ruled likewise a public act. Why? no man can affirm but these be operations of law, proceeding from the dignity of the natural person of the king; for you shall never find that another corporation whatsoever of a bishop, or master of a college, or mayor of London, worketh any thing in law upon the wife or son of the bishop or the mayor. And to conclude this point, and withal to come near to the case in question, I will show you where the natural person of the king hath not only an operation in the case of his wife and children, but likewise in the case of his subjects, which is the very question in hand. As for example, I put this case: Can a Scotsman, who is a subject to the natural person of the king, and not to the crown of England; can a Scotsman, I say, be an enemy by the law to the subjects of England? Or must he not of necessity, if he should invade England, be a rebel and no enemy, not only as to the king, but as to the subject? Or can any letters of mart or reprisal be granted against a Scotsman that shall spoil an Englishman's goods at sea? And certainly this case doth press exceeding near the principal case; for it proveth plainly, that the natural person of the king hath such a communication of qualities with his body politic, as it makes the subjects of either kingdom stand in another degree of privity one towards the other, than they did before. And so much for the second proof.

For the five acts of parliament which I spoke of, which are concluding to this question.

The first of them is that concerning the banishment of Hugh Spencer in the time of king Edward

II. in which act there is contained the charge and accusation whereupon his exile proceeded. One article of which charge is set down in these words: "Homage and oath of the subject is more by reason of the crown than by reason of the person of the king, so that if the king doth not guide himself by reason in right of the crown, his lieges are bound by their oath to the crown to remove the king."

By which act doth plainly appear the perilous consequence of this distinction concerning the person of the king and the crown. And yet I do acknowledge justly and ingenuously a great difference between that assertion and this, which is now maintained: for it is one thing to make things distinct, another thing to make them separable, "aliud est distinctio, aliud separatio;" and therefore I assure myself, that those that now use and urge that distinction, do as firmly hold, that the subjection to the king's person and to the crown are inseparable, though distinct, as I do. And it is true that the poison of the opinion and assertion of Spencer is like the poison of a scorpion, more in the tail than in the body: for it is the inference that they make, which is, that the king may be deposed or removed, that is the treason and disloyalty of that opinion. But by your leave, the body is never a whit the more wholesome meat for having such a tail belonging to it: therefore we see that is *locus lubricus*, an opinion from which a man may easily slide into an absurdity. But upon this act of parliament I will only note one circumstance more, and so leave it, which may add authority unto it in the opinion of the wisest; and that is, that these Spencers were not ancient nobles or great patriots that were charged and prosecuted by upstarts and favourites: for then it might be said, that it was but the action of some flatterers, who used to extol the power of monarchs to be infinite: but it was contrary; a prosecution of those persons being favourites by the nobility; so as the nobility themselves, which seldom do subscribe to the opinion of an infinite power of monarchs, yet even they could not endure, but their blood did rise to hear that opinion, that subjection is owing to the crown rather than to the person of the king.

The second act of parliament which determined this case, is the act of recognition in the first year of his Majesty, wherein you shall find, that in two several places, the one in the preamble, the other in the body of the act, the parliament doth recognise that these two realms of England and Scotland are under one imperial crown. The parliament doth not say under one monarchy or king, which might refer to the person, but under one imperial crown, which cannot be applied but to the sovereign power of regiment comprehending both kingdoms. And the third act of parliament is the act made in the fourth year of his Majesty's reign, for the abolition of hostile laws: wherein your lordships shall find likewise in two places, that the parliament doth acknowledge, that there is an union of these two kingdoms already begun in his Majesty's person: so as by the declaration of that act, they have not only one king, but there is an union in inception in the kingdoms themselves.

These two are judgments in parliament by way of declaration of law, against which no man can speak. And certainly these are righteous and true judgments to be relied upon; not only for the authority of them, but for the verity of them; for to any that shall well and deeply weigh the effects of law upon this conjunction, it cannot but appear, that although *partes integrales* of the kingdom, as the philosophers speak, such as the laws, the officers, the parliament, are not yet commixed; yet nevertheless there is but one and the self-same fountain of sovereign power depending upon the ancient submission, whereof I spake in the beginning; and in that sense the crowns and the kingdoms are truly said to be united.

And the force of this truth is such, that a grave and learned gentleman, that defended the contrary opinion, did confess thus far: That in ancient times, when monarchies, as he said, were but heaps of people without any exact form of policy; that then naturalization and communication of privileges did follow the person of the monarch; but otherwise since states were reduced to a more exact form; so as thus far we did consent; but still I differ from him in this, that these more exact forms, wrought by time, and custom, and laws, are nevertheless still upon the first foundation, and do serve only to perfect and corroborate the force and bond of the first submission, and in no sort to disannul or destroy it.

And therefore with these two acts do I likewise couple the act of 14 Edward III. which hath been alleged of the other side. For by collating of that act with this former two, the truth of that we affirm will the more evidently appear, according unto the rule of reason: "opposita juxta se posita magis elucescunt." That act of 14 is an act of separation. These two acts formerly recited are acts tending to union. This act is an act that maketh a new law; it is by the words of grant and establish. These two acts declare the common law as it is, being by words of recognition and confession.

And therefore upon the difference of these laws you may substantially ground this position: That the common law of England, upon the adjunction of any kingdom unto the king of England, doth make some degree of union in the crowns and kingdoms themselves; except by a special act of parliament they be dissevered.

Lastly, the fifth act of parliament which I promised, is the act made in the 42 of E. III. cap. 10, which is an express decision of the point in question. The words are, "Item, (upon the petition put into parliament by the commons,) that infants born beyond the seas in the seigniories of Calais, and elsewhere within the lands and seigniories that pertain to our sovereign lord the king beyond the seas, be as able and inheritable of their heritage in England, as other infants born within the realm of England, it is accorded that the common law and the statute formerly made be holden."

Upon this act I infer thus much; first, that such as the petition mentioneth were naturalized, the

practice shows: then if so, it must be either by common law or statute, for so the words report: not by statute, for there is no other statute but 25 E. III. and that extends to the case of birth out of the king's obedience, where the parents are English; ergo it was by the common law, for that only remains. And so by the declaration of this statute at the common law, all infants, born within the lands and seigniories (for I give you the very words again) that pertain to our sovereign lord the king, (it is not said, as are the dominions of England,) are as able and inheritable of their heritage in England, as other infants born within the realm of England." What can be more plain? And so I leave statutes and go to precedents; for though the one do bind more, yet the other sometimes doth satisfy more.

For precedents, in the producing and using of that kind of proof, of all others it behoveth them to be faithfully vouched; for the suppressing or keeping back of a circumstance, may change the case: and therefore I am determined to urge only such precedents, as are without all colour or scruple of exception or objection, even of those objections which I have, to my thinking, fully answered and confuted. This is now, by the providence of God, the fourth time that the line and kings of England have had dominions and seigniories united unto them as patrimonies, and by descent of blood; four unions, I say, there have been inclusive with this last. The first was of Normandy, in the person of William, commonly called the Conqueror. The second was of Gascoigne, and Guienne, and Anjou, in the person of king Henry II.: in his person, I say, though by several titles. The third was of the crown of France, in the person of king Edward III. And the fourth of the kingdom of Scotland, in his Majesty. Of these I will set aside such as by any cavillation can be excepted unto. First I will set aside Normandy, because it will be said, that the difference of countries accruing by conquest, from countries annexed by descent, in matter of communication of privileges, holdeth both ways, as well of the part of the conquering kingdom, as the conquered; and therefore that although Normandy was not a conquest of England, yet England was a conquest of Normandy, and so a communication of privileges between them. Again, set aside France, for that it will be said that although the king had a title in blood and by descent, yet that title was executed and recovered by arms, so as it is a mixed title of conquest and descent, and therefore the precedent not so clear.

There remains then Gascoigne and Anjou, and that precedent likewise I will reduce and abridge to a time, to avoid all question. For it will be said of them also, that after they were lost and recovered *in ore gladii*, that the ancient title of blood was extinct; and that the king was in upon his new title by conquest; and Mr. Walter hath found a book-case in 13 Hen. VI. abridged by Mr. Fitzherbert, in title of *Protection*, *placito* 56, where a protection was cast, *quia profecturus in Gasconiam* with the earl of Huntingdon, and challenged because it was not a voyage royal; and the justices thereupon required the sight of the commission, which was brought before them, and purported power to pardon felonies and treason, power to coin money, and power to conquer them that resist: whereby Mr. Walter, finding the word *conquest*, collected that the king's title at that time was reputed to be by conquest; wherein I may not omit to give *obiter* that answer, which law and truth provide, namely, that when any king obtaineth by war a country whereunto he hath right by birth, that he is ever in upon his ancient right, not upon his purchase by conquest; and the reason is, that there is as well a judgment and recovery by war and arms, as by law and course of justice. For war is a tribunal-seat, wherein God giveth the judgment, and the trial is by battle, or duel, as in the case of trial of private right: and then it follows, that whosoever cometh in by eviction, comes in his *remitter*; so as there will be no difference in countries whereof the right cometh by descent, whether the possession be obtained peaceably or by war. But yet nevertheless, because I will utterly take away all manner of evasion and subterfuge, I will yet set apart that part of time, in and during the which the subjects of Gascoigne and Guienne might be thought to be subdued by a re-conquest. And therefore I will not meddle with the prior of Shelley's case, though it be an excellent case; because it was in the time of 27 E. III. neither will I meddle with any cases, records, or precedents, in the time of king H. V. or king H. VI. for the same reason; but will hold myself to a portion of time from the first uniting of these provinces in the time of king H. II. until the time of king John, at what time those provinces were lost; and from that time again unto the seventeenth year of the reign of king E. II. at what time the statute of *prærogativa regis* was made, which altered the law in the point in hand.

That both in these times the subjects of Gascoigne, and Guienne, and Anjou, were naturalized for inheritance in England, by the laws of England, I shall manifestly prove; and the proof proceeds, as to the former time, which is our case, in a very high degree *a minore ad majus*, and as we say, *a multo fortiori*. For if this privilege of naturalization remained unto them when the countries were lost, and became subjects in possession to another king, much more did they enjoy it as long as they continued under the king's subjection.

Therefore to open the state of this point. After these provinces were, through the perturbations of the state in the unfortunate time of king John, lost and severed, the principal persons which did adhere unto the French were attainted of treason, and their escheats here in England taken and seized. But the people, that could not resist the tempest when their heads and leaders were revolted, continued inheritable to their possessions in England; and reciprocally the people of England inherited and succeeded to their possessions in Gascoigne, and were both accounted *ad fidem utriusque regis*, until the statute of *prærogativa regis*; wherein the wisdom and justice of the law of England is highly to be commended. For of this law there are two grounds of reason, the one of equity, the other of policy;

that of equity was, because the common people were in no fault, but as the Scripture saith in a like case, "quid fecerunt oves istæ?" It was the cowardice and disloyalty of their governors that deserved punishment, but "what had these sheep done?" And therefore to have punished them, and deprived them of their land and fortunes, had been unjust. That of policy was, because if the law had forthwith, upon the loss of the countries by an accident of time, pronounced the people for aliens, it had been a kind of cession of their right, and a disclaimer in them, and so a greater difficulty to recover them. And therefore we see the statute which altered the law in this point, was made in the time of a weak king, that, as it seemed, despaired ever to recover his right, and therefore thought better to have a little present profit by escheats, than the continuance of his claim, and the countenance of his right, by the admitting of them to enjoy their inheritance as they did before.

The state therefore of this point being thus opened, it resteth to prove our assertion; that they were naturalized; for the clearing whereof I shall need but to read the authorities, they be so direct and pregnant. The first is the very text of the statute of *prærogativa regis*. "Rex habebit escætas de terris Normannorum, cujuscunque feodi fuerint, salvo servitio, quod pertinet ad capitales dominos feodi illius: et hoc similiter intelligendum est, si aliqua hæreditas descendat alicui nato in partibus transmarinus, et cujus antecessores fuerunt ad fidem regis Franciæ, ut tempore regis Johannis, et non ad fidem regis Angliæ, sicut contigit de baronia Monumetæ," etc.

By which statute it appears plainly, that before the time of king John there was no colour of any escheat, because they were the king's subjects in possession, as Scotland now is; but only it determines the law from that time forward.

This statute, if it had in it any obscurity, it is taken away by two lights, the one placed before it, and the other placed after it; both authors of great credit, the one for ancient, the other for late times: the former is Bracton, in his cap. *De exceptionibus, lib.* 5, *fol.* 427, and his words are these: "Est etiam et alia exceptio quæ tenenti competit ex persona petentis, propter defectum nationis, quæ dilatoria est, et non perimit actionem, ut si quis alienigena qui fuerit ad fidem regis Franciæ, et actionem instituat versus aliquem, qui fuerit ad fidem regis Angliæ, tali non respondeatur, saltem donec terræ fuerint communes."

By these words it appeareth, that after the loss of the provinces beyond the seas, the naturalization of the subjects of those provinces was in no sort extinguished, but only was in suspense during the time of war, and no longer; for he saith plainly, that the exception, which we call plea, to the person of an alien, was not peremptory, but only dilatory, that is to say, during the time of war, and until there were peace concluded, which he terms by these words, "donec terræ fuerint communes:" which, though the phrase seem somewhat obscure, is expounded by Bracton himself in his fourth book, fol. 297, to be of peace made and concluded, whereby the inhabitants of England and those provinces might enjoy the profits and fruits of their lands in either place *communiter*, that is, respectively, or as well the one as the other: so as it is clear they were no aliens in right, but only interrupted and debarred of suits in the king's courts in time of war.

The authority after the statute is that of Mr. Stamford, the best expositor of a statute that hath been in our law; a man of reverend judgment and excellent order in his writings; his words are in his exposition upon the branch of the statute which we read before. "By this branch it should appear, that at this time men of Normandy, Gascoigne, Guienne, Anjou, and Britain, were inheritable within this realm, as well as Englishmen, because they were sometimes subjects to the kings of England, and under their dominion, until king John's time, as is aforesaid: and after his time, those men, saving such whose lands were taken away for treason, were still inheritable within this realm till the making of this statute; and in the time of peace between the two kings of England and France, they were answerable within this realm, if they had brought any action for their lands and tenements."

So as by these three authorities, every one so plainly pursuing the other, we conclude that the subjects of Gascoigne, Guienne, Anjou, and the rest, from their first union by descent, until the making of the statute of *prærogativa regis*, were inheritable in England, and to be answered in the king's courts in all actions, except it were in time of war. Nay more, which is *de abundanti*, that when the provinces were lost, and disannexed, and that the king was but king *de jure* over them, and not *de facto;* yet nevertheless the privilege of naturalization continued.

There resteth yet one objection, rather plausible to a popular understanding than any ways forcible in law or learning, which is a difference taken between the kingdom of Scotland and these duchies, for that the one is a kingdom, and the other was not so; and therefore that those provinces being of an inferior nature, did acknowledge our laws and seals, and parliament, which the kingdom of Scotland doth not.

This difference was well given over by Mr. Walter; for it is plain that a kingdom and absolute dukedom, or any other sovereign estate, do differ *honore*, and not *potestate:* for divers duchies and countries that are now, were sometimes kingdoms: and divers kingdoms that are now, were sometimes duchies, or of other inferior style: wherein we need not travel abroad, since we have in our own state so notorious an instance of the country of Ireland, whereof king Hen. VIII. of late time was the first that writ himself king, the former style being lord of Ireland, and no more; and yet kings had the same authority before, that they have had since, and the same nation the same marks of a sovereign state, as their parliaments, their arms, their coins, as they now have: so as this is too superficial an allegation to labour upon.

And if any do conceive that Gascoigne and Guienne were governed by the laws of England:

First, that cannot be in reason; for it is a true ground, That wheresoever any prince's title unto any country is by law, he can never change the laws, for that they create his title: and therefore no doubt those duchies retained their own laws; which if they did, then they could not be subject to the laws of England. And next, again, the fact or practice was otherwise, as appeareth by all consent of story and record: for those duchies continued governed by the civil law, their trials by witnesses, and not by jury, their lands testamentary, and the like.

Now for the colours that some have endeavoured to give, that they should have been subordinate to the government of England; they were partly weak, and partly such as make strongly against them: for as to that, that writs of *Habeas Corpus* under the great seal of England have gone to Gascoigne, it is no manner of proof; for that the king's writs, which are mandatory, and not writs of ordinary justice, may go to his subjects into any foreign parts whatsoever, and under what seal it pleaseth him to use. And as to that, that some acts of parliament have been cited, wherein the parliaments of England have taken upon them to order matters of Gascoigne; if those statutes be well looked into, nothing doth more plainly convince the contrary, for they intermeddle with nothing but that that concerneth either the Englished subjects personally, or the territories of England locally, and never the subjects of Gascoigne; for look upon the statute of 27 Ed. III. cap. 5, there it is said, that there shall be no forestalling of wines. But by whom? Only by English merchants; not a word of the subjects of Gascoigne, and yet no doubt they might be offenders in the same kind.

So in the sixth chapter it is said, that all merchants Gascoignes may safely bring wines into what part it shall please them: here now are the persons of Gascoignes; but then the place whither? Into the realm of England. And in the seventh chapter, that erects the ports of Bourdeaux and Bayonne for the staple towns of wine; the statute ordains, "that if any," but who? "English merchant, or his servants, shall buy or bargain other where, his body shall be arrested by the steward of Gascoigne, or the constable of Bourdeaux;" true, for the officers of England could not catch him in Gascoigne; but what shall become of him, shall he be proceeded with within Gascoigne? No, but he shall be sent over into England into the Tower of London.

And this doth notably disclose the reason of that custom which some have sought to wrest the other way: that custom, I say, whereof a form doth yet remain, that in every parliament the king doth appoint certain committees in the upper house to receive the petitions of Normandy, Guienne, and the rest; which, as by the former statute doth appear, could not be for the ordering of the governments there, but for the liberties and good usage of the subjects of those parts when they came hither, or *vice versa*, for the restraining of the abuses and misdemeanors of our subjects when they went thither.

Wherefore I am now at an end. For us to speak of the mischiefs, I hold it not fit for this place, lest we should seem to bend the laws to policy, and not to take them in their true and natural sense. It is enough that every man knows, that it is true of these two kingdoms, which a good father said of the churches of Christ: "si inseparabiles insuperabiles." Some things I may have forgot, and some things, perhaps, I may forget willingly; for I will not press any opinion or declaration of late time which may prejudice the liberty of this debate; but "ex dictis et ex non dictis," upon the whole matter I pray judgment for the plaintiff.

A PROPOSITION TO HIS MAJESTY,

BY SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S ATTORNEY GENERAL, AND ONE OF HIS PRIVY COUNCIL;

TOUCHING THE COMPILING AND AMENDMENT OF THE LAWS OF ENGLAND.

Your Majesty, of your favour, having made me privy-counsellor, and continuing me in the place of your attorney-general, which is more than was these hundred years before, I do not understand it to be, that by putting off the dealing in causes between party and party, I should keep holy-day the more; but that I should dedicate my time to your service with less distraction. Wherefore, in this plentiful accession of time, which I have now gained, I take it to be my duty, not only to speed your commandments and the business of my place; but to meditate and to excogitate of myself, wherein I may best, by my travails, derive your virtues to the good of your people, and return their thanks and increase of love to you again. And after I had thought of many things, I could find, in my judgment, none more proper for your Majesty as a matter, nor for me as a workman, than the reducing and recompiling of the laws of England.

Your Majesty is a king blessed with posterity; and these kings sort best with acts of perpetuity, when they do not leave them, instead of children.

but transmit both line and merit to future generations. You are a great master in justice and judicature, and it were pity that the fruit of that virtue should die with you. Your Majesty also reigneth in learned times; the more in regard of your own perfections and patronage of learning; and it hath been the mishap of works of this nature, that the less learned time hath wrought upon the more learned, which now will not be so. As for myself, the law is my profession, to which I am a debtor. Some little helps I may have of other learning, which may give form to matter; and your Majesty hath set me in an eminent place, whereby in a work, which must be the work of many, I may the better have coadjutors. Therefore, not to hold your Majesty with any long preface, in that which I conceive to be nothing less than words, I will proceed to the matter: which matter itself nevertheless requireth somewhat briefly to be said, both of the dignity, and likewise of the safety, and convenience of this work: and then go to the main; that is to say, to show how the work is to be done: which incidently also will best demonstrate, that it is no vast nor speculative thing, but real and feasible. Callisthenes, that followed Alexander's court, and was grown in some displeasure with him, because he could not well brook the Persian adoration; at a supper, which with the Grecians was ever a great part talk, was desired, because he was an eloquent man, to speak of some theme; which he did, and chose for his theme the praise of the Macedonian nation; which though it were but a filling thing to praise men to their faces, yet he did it with such advantage of truth, and avoidance of flattery, and with such life, as the hearers were so ravished with it that they plucked the roses off from their garlands, and threw them upon him; as the manner of applauses then was. Alexander was not pleased with it, and by way of discountenance said, It was easy to be a good orator in a pleasing theme: "But," saith he to Callisthenes, "turn your style, and tell us now of our faults, that we may have the profit, and not you only the praise;" which he presently did with such a force, and so piquantly, that Alexander said, The goodness of his theme had made him eloquent before; but now it was the malice of his heart, that had inspired him.

1. Sir, I shall not fall into either of those two extremes, concerning the laws of England; they commend themselves best to them that understand them; and your Majesty's chief justice of your bench hath in his writings magnified them not without cause: certainly they are wise, they are just and moderate laws; they give to God, they give to Cæsar, they give to the subjects, that which appertaineth. It is true, they are as mixt as our language, compounded of British, Roman, Saxon, Danish, Norman customs. And as our language is so much the richer, so the laws are the more complete: neither doth this attribute less to them, than those that would have them to have stood out the same in all mutations; for no tree is so good first set, as by transplanting.

2. As for the second extreme, I have nothing to do with it by way of taxing the laws. I speak only by way of perfecting them, which is easiest in the best things: for that which is far amiss hardly receiveth amendment; but that which hath already, to that more may be given. Besides, what I shall propound is not to the matter of the laws, but to the manner of their registry, expression, and tradition: so that it giveth them rather light than any new nature. This being so, for the dignity of the work I know scarcely where to find the like: for surely that scale, and those degrees of sovereign honour, are true and rightly marshalled; first the founders of states; then the lawgivers; then the deliverers and saviours after long calamities; then the fathers of their countries, which are just and prudent princes; and lastly, conquerors, which honour is not to be received amongst the rest, except it be where there is an addition of more country and territory to a better government than that was of the conquered. Of these, in my judgment, your Majesty may with more truth and flattery be entitled to the first, because of your uniting of Britain and planting Ireland; both which savour of the founder. That which I now propound to you, may adopt you also into the second: lawgivers have been called "principes perpetui;" because as bishop Gardiner said in a bad sense, that he would be bishop a hundred years after his death, in respect of the long leases he made: so lawgivers are still kings and rulers after their decease, in their laws. But this work, shining so in itself, needs no taper. For the safety and convenience thereof, it is good to consider, and to answer those objections or scruples which may arise or be made against this work.

Obj. I. That it is a thing needless; and that the law, as it now is, is in good estate comparable to any foreign law: and that it is not possible for the wit of man, in respect of the frailty thereof, to provide against the uncertainties and evasions, or omissions of law.

Resp. For the comparison with foreign laws, it is in vain to speak of it; for men will never agree about it. Our lawyers will maintain for our municipal laws; civilians, scholars, travellers, will be of the other opinion.

But certain it is, that our laws, as they now stand, are subject to great uncertainties, and variety of opinions, delays, and evasions: whereof ensueth,

1. That the multiplicity and length of suits is great.

2. That the contentious person is armed, and the honest subject wearied and oppressed.

3. That the judge is more absolute; who, in doubtful cases, hath a greater stroke and liberty.

4. That the chancery courts are not filled, the remedy of law being often obscure and doubtful.

5. That the ignorant lawyer shroudeth his ignorance of law, in that doubts are so frequent and many.

6. That men's assurances of their lands and estates by patents, deeds, wills, are often subject to question, and hollow; and many the like inconveniences.

It is a good rule and direction, for that all laws, "secundum majus et minus," do participate of un-

certainties, that followeth: Mark, whether the doubts that arise, are only in cases not of ordinary experience; or which happen every day. If in the first only, impute it to the frailty of man's foresight, that cannot reach by law to all cases; but if in the latter, be assured there is a fault in the law. Of this I say no more, but that, to give every man his due, had it not been for Sir Edward Coke's Reports, (which though they may have errors, and some peremptory and extrajudicial resolutions more than are warranted; yet they contain infinite good decisions, and rulings over of cases,) the law by this time had been almost like a ship without ballast; for that the cases of modern experience are fled from those that are adjudged and ruled in former time.

But the necessity of this work is yet greater in the statute law. For first, there are a number of insnaring penal laws, which lie upon the subject: and if in bad times they should be awaked and put in execution, would grind them to powder.

There is a learned civilian that expoundeth the curse of the prophet, "Pluet super eos laqueos," of a multitude of penal laws, which are worse than showers of hail or tempest upon cattle, for they fall upon men.

There are some penal laws fit to be retained, but their penalty too great; and it is ever a rule, That any over-great penalty, besides the acerbity of it, deadens the execution of the law.

There is a farther inconvenience of penal laws, obsolete, and out of use; for that it brings a gangrene, neglect, and habit of disobedience upon other wholesome laws, that are fit to be continued in practice and execution; so that our laws endure the torment of Mezentius:

"The living die in the arms of the dead."

Lastly, There is such an accumulation of statutes concerning one matter, and they so cross and intricate, as the certainty of law is lost in the heap; as your Majesty had experience last day upon the point, Whether the incendiary of Newmarket should have the benefit of his clergy?

Obj. II. That it is a great innovation; and innovations are dangerous beyond foresight.

Resp. All purgings and medicines, either in the civil or natural body, are innovations: so as that argument is a common place against all noble reformations. But the truth is, that this work ought not to be termed or held for any innovation in the suspected sense. For those are the innovations which are quarrelled and spoken against, that concern the consciences, estates, and fortunes of particular persons; but this of general ordinance pricketh not particulars, but passeth *sine strepitu*. Besides, it is on the favourable part; for it easeth, it presseth not: and lastly, it is rather matter of order and explanation than of alteration. Neither is this without precedent in former governments.

The Romans, by their Decemvirs, did make their twelve tables, but that was indeed a new enacting or constituting of laws, not a registering or recompiling; and they were made out of the laws of the Grecians, not out of their own customs.

In Athens they had Sexviri, which were standing commissioners to watch and to discern what laws waxed improper for the time; and what new law did, in any branch, cross a former law, and so *ex officio*, propound their repeals.

King Lewis XI. of France had it in his intention to have made one perfect and uniform law, out of the civil law Roman, and the provisional customs of France.

Justinian the emperor, by commissions directed to divers persons learned in the laws, reduced the Roman laws from vastness of volume, and a labyrinth of uncertainties, unto that course of the civil law which is now in use. I find here at home of late years, that king Henry VIII. in the twenty-seventh of his reign, was authorized by parliament to nominate thirty-two commissioners, part ecclesiastical, part temporal, to purge the canon law, and to make it agreeable to the law of God, and the law of the realm; and the same was revived in the fourth year of Edward VI. though neither took effect.

For the laws of Lycurgus, Solon, Minos, and others of ancient time, they are not the worse, because grammar scholars speak of them: but things too ancient wax children with us again.

Edgar, the Saxon king, collated the laws of this kingdom, and gave them the strength of a faggot bound, which formerly were dispersed.

The statutes of king Edward the first were fundamental. But I doubt, I err in producing so many examples: for, as Cicero saith to Cæsar, so may I say to your Majesty; "Nil vulgare te dignum videri possit."

Obj. III. In this purging of the course of the common laws and statutes much good may be taken away.

Resp. In all purging, some good humours may pass away; but that is largely recompensed by lightening the body of much bad.

Obj. IV. Labour were better bestowed, in bringing the common laws of England to a text law, as the statutes are, and setting both of them down in method and by titles.

Resp. It is too long a business to debate, whether "lex scripta, aut non scripta," a text law, or customs well registered, with received and approved grounds and maxims, and acts and resolutions judicial, from time to time duly entered and reported, be the better form of declaring and authorizing laws. It was the principal reason or oracle of Lycurgus, that none of his laws should be written. Customs are laws written in living tables, and some traditions the church doth not disauthorize. In all sciences they are the soundest, that keep close to particulars; and, sure I am, there are more doubts that rise upon our statutes, which are a text law, than upon the common law, which is no text law. But, howsoever that question be determined, I dare not advise to cast the law into a new mold. The work, which I propound, tendeth to pruning and grafting the law, and not to plowing up and planting it again; for such a remove I should hold indeed for a perilous innovation.

Obj. V. It will turn the judges, counsellors of law, and students of law to school again, and make

them to seek what they shall hold and advise for law; and it will impose a new charge upon all lawyers to furnish themselves with new books of law.

Resp. For the former of these, touching the new labour, it is true it would follow, if the law were new molded into a text law: for then men must be new to begin, and that is one of the reasons for which I disallow that course.

But in the way that I shall now propound, the entire body and substance of law shall remain, only discharged of idle and unprofitable or hurtful matter; and illustrated by order and other helps, towards the better understanding of it and judgment thereupon.

For the latter, touching the new change, it is not worthy the speaking of in a matter of so high importance; it might have been used of the new translation of the Bible, and such like works. Books must follow sciences, and not sciences books.

The work itself; and the way to reduce and recompile the laws of England.

This work is to be done, to use some few words, which is the language of action and effect, in this manner.

It consisteth of two parts; the digest or recompiling of the common laws, and that of the statutes.

In the first of these, three things are to be done:

1. The compiling of a book "De antiquitatibus juris."

2. The reducing or perfecting of the course or corps of the common laws.

3. The composing of certain introductive and auxiliary books touching the study of the laws.

For the first of these, all ancient records in your Tower, or elsewhere, containing acts of parliament, letters patents, commissions, and judgments, and the like, are to be searched, perused, and weighed: and out of these are to be selected those that are of most worth and weight, and in order of time, not of titles, for the more conformity with the year-books, to be set down and registered, rarely in *hæc verba*: but summed with judgment, not omitting any material part; these are to be used for reverend precedents, but not for binding authorities.

For the second, which is the main, there is to be made a perfect course of the law *in serie temporis*, or year-books, as we call them, from Edward the First to this day: in the compiling of this course of law, or year-books, the points following are to be observed.

First, All cases which are at this day clearly no law, but constantly ruled to the contrary, are to be left out; they do but fill the volumes, and season the wits of students in a contrary sense of law. And so likewise all cases, wherein that is solemnly and long debated, whereof there is now no question at all, are to be entered as judgments only, and resolutions, but without the arguments, which are now become but frivolous: yet for the observation of the deeper sort of lawyers, that they may see how the law hath altered, out of which they may pick sometimes good use, I do advise, that upon the first in time of those obsolete cases there were a *memorandum* set, that at that the law was thus taken, until such a time, &c.

Secondly, "Homonymiæ," as Justinian calleth them, that is, cases merely of iteration and repetition, are to be purged away: and the cases of identity, which are best reported and argued, to be retained instead of the rest; the judgments nevertheless to be set down, every one in time as they are, but with a quotation or reference to the case where the point is argued at large: but if the case consist part of repetition, part of new matter, the repetition is only to be omitted.

Thirdly, As to the "Antinomiæ," cases judged to the contrary, it were too great a trust to refer to the judgment of the composers of this work, to decide the law either way, except there be a current stream of judgments of later times; and then I reckon the contrary cases amongst cases obsolete, of which I have spoken before: nevertheless this diligence would be used, that such cases of contradiction be specially noted and collected, to the end those doubts, that have been so long militant, may either, by assembling all the judges in the exchequer chamber, or by parliament, be put into certainty. For to do it, by bringing them in question under feigned parties, is to be disliked. "Nihil habeat forum ex scena."

Fourthly, All idle queries, which are but seminaries of doubts, and uncertainties, are to be left out and omitted, and no queries set down, but of great doubts well debated, and left undecided for difficulty; but no doubting or upstarting queries, which though they be touched in argument for explanation, yet were better to die than to be put into the books.

Lastly, Cases reported with too great prolixity would be drawn into a more compendious report; not in the nature of an abridgement, but tautologies and impertinences to be cut off: as for misprinting, and insensible reporting, which many times confound the students, that will be *obiter* amended; but more principally, if there be any thing in the report which is not well warranted by the record, that is also to be rectified: the course being thus compiled, then it resteth but for your Majesty to appoint some grave and sound lawyers, with some honourable stipend, to be * reporters for the time to come, and then this is settled for all times.

For the auxiliary books that conduce to the study and science of the law, they are three: Institutions; a treatise "De regulis juris;" and a better book "De verborum significationibus," or terms of the law. For the Institutions, I know well there be books of introductions, wherewith students begin, of good worth, especially Littleton and Fitzherbert's "Natura brevium;" but they are no ways of the nature of an institution; the office whereof is to be a key and general preparation to the reading of the course. And principally it ought to have two properties; the one a perspicuous and clear

* This constitution of reporters I obtained of the king, after I was chancellor; and there are two appointed with £100 a year a piece stipend.

order or method; and the other, an universal latitude or comprehension, that the students may have a little prenotion of every thing, like a model towards a great building. For the treatise "De regulis juris," I hold it, of all other things, the most important to the health, as I may term it, and good institutions of any laws: it is indeed like the ballast of a ship, to keep all upright and stable; but I have seen little in this kind, either in our laws or other laws, that satisfieth me. The naked rule or maxim doth not the effect: it must be made useful by good differences, ampliations, and limitations, warranted by good authorities; and this not by raising up of quotations and references, but by discourse and deducement in a just tractate. In this I have travelled myself, at the first more cursorily,* since with more diligence, and will go on with it, if God and your Majesty will give me leave. And I do assure your Majesty, I am in good hope, that when Sir Edward Coke's Reports, and my rules and decisions, shall come to posterity, there will be, whatsoever is now thought, question, who was the greater lawyer? For the books Of the terms of the law, there is a poor one, but I wish a diligent one, wherein should be comprised not only the exposition of the terms of law, but of the words of all ancient records and precedents.

* See above, p. 548–570.

For the Abridgements, I could wish, if it were possible, that none might use them, but such as had read the course first, that they might serve for repertories to learned lawyers, and not to make a lawyer in haste: but since that cannot be, I wish there were a good abridgement composed of the two that are extant, and in better order. So much for the common law.

Statute law.

For the reforming and recompiling of the statute law, it consisteth of four parts.

1. The first, to discharge the books of those statutes, where the case, by alteration of time, is vanished; as Lombards, Jews, Gauls, half-pence, &c. Those may nevertheless remain in the libraries for antiquities, but no reprinting of them. The like of statutes long since expired and clearly repealed: for if the repeal be doubtful, it must be so propounded to the parliament.

2. The next is, to repeal all statutes which are sleeping and not of use, but yet snaring and in force: in some of those it will perhaps be requisite to substitute some more reasonable law, instead of them, agreeable to the time; in others a simple repeal may suffice.

3. The third, that the grievousness of the penalty in many statutes be mitigated, though the ordinance stand.

4. The last is, the reducing of concurrent statutes, heaped one upon another, to one clear and uniform law. Towards this there hath been already, upon my motion, and your Majesty's direction, a great deal of good pains taken: my lord Hobart, myself, serjeant Finch, Mr. Heneage Finch, Mr. Noye, Mr. Hackwell, and others, whose labours being of a great bulk, it is not fit now to trouble your Majesty with any farther particularity therein; only by this you may perceive the work is already advanced: but because this part of the work, which concerneth the statute laws, must of necessity come to parliament, and the houses will best like that which themselves guide, and the persons that themselves employ, the way were to imitate the precedent of the commissioners for the canon laws in 27 Hen. VIII. and 4 Edw. VI. and the commissioners for the union of the two realms, *primo* of your Majesty, and so to have the commissioners named by both houses; but not with a precedent power to conclude, but only to prepare and propound to parliament.

This is the best way, I conceive, to accomplish this excellent work, of honour to your Majesty's times and of good to all times; which I submit to your Majesty's better judgment.

AN OFFER TO KING JAMES

OF A DIGEST TO BE MADE

OF THE LAWS OF ENGLAND.

MOST EXCELLENT SOVEREIGN,

Amongst the degrees and acts of sovereign, or rather heroical honour, the first or second is the person and merit of a lawgiver. Princes that govern well are fathers of the people: but if a father breed his son well, or allow him well while he liveth, but leave him nothing at his death, whereby both he and his children, and his children's children, may be the better, surely the care and piety of a father is not in him complete. So kings, if they make a portion of an age happy by their good government, yet if they do not make testaments, as God Almighty doth, whereby a perpetuity of good may descend to their country, they are but mortal and transitory benefactors. Domitian, a few days before he died,

dreamed that a golden head did rise upon the nape of his neck; which was truly performed in the golden age that followed his times for five successions. But kings, by giving their subjects good laws, may, if they will, in their own time, join and graft this golden head upon their own necks after their deaths. Nay, they may make Nabuchodonozor's image of monarchy golden from head to foot. And if any of the meaner sort of politics, that are sighted only to see the worst of things, think, that laws are but cobwebs, and that good princes will do well without them, and bad will not stand much upon them; the discourse is neither good nor wise. For certain it is, that good laws are some bridle to bad princes, and as a very wall about government. And if tyrants sometimes make a breach into them, yet they mollify even tyranny itself, as Solon's laws did the tyranny of Pisistratus: and then commonly they get up again, upon the first advantage of better times. Other means to perpetuate the memory and merits of sovereign princes are inferior to this. Buildings of temples, tombs, palaces, theatres, and the like, are honourable things, and look big upon posterity: but Constantine the Great gave the name well to those works, when he used to call Trajan, that was a great builder, Parietaria, wall-flower, because his name was upon so many walls: so if that be the matter, that a king would turn wall-flower, or pillitory of the wall, with cost he may. Adrian's vein was better, for his mind was to wrestle a fall with time; and being a great progressor through all the Roman empire, whenever he found any decays of bridges, or highways, or cuts of rivers and sewers, or walls, or banks, or the like, he gave substantial order for their repair with the better. He gave also multitudes of charters and liberties for the comfort of corporations and companies in decay: so that his bounty did strive with the ruins of time. But yet this, though it were an excellent disposition, went but in effect to the cases and shells of a commonwealth. It was nothing to virtue or vice. A bad man might indifferently take the benefit and ease of his ways and bridges, as well as a good; and bad people might purchase good charters. Surely the better works of perpetuity in princes are those, that wash the inside of the cup; such as are foundations of colleges and lectures for learning and education of youth; likewise foundations and institutions of orders and fraternities, for nobleness, enterprise, and obedience, and the like. But yet these also are but like plantations of orchards and gardens, in plots and spots of ground here and there; they do not till over the whole kingdom, and make it fruitful, as doth the establishing of good laws and ordinances; which makes a whole nation to be as a well-ordered college or foundation.

This kind of work, in the memory of times, is rare enough to show it excellent: and yet not so rare, as to make it suspected for impossible, inconvenient, or unsafe. Moses, that gave laws to the Hebrews, because he was the scribe of God himself, is fitter to be named for honour's sake to other lawgivers, than to be numbered or ranked amongst them. Minos, Lycurgus, and Solon, are examples for themes of grammar scholars. For ancient personages and characters now-a-days use to wax children again; though that parable of Pindarus be true, the best thing is water: for common and trivial things are many times the best, and rather despised upon pride, because they are vulgar, than upon cause or use. Certain it is, that the laws of those three lawgivers had great prerogatives. The first of fame, because they were the pattern amongst the Grecians: the second of lasting, for they continued longest without alteration: the third, of a spirit of reviver, to be often oppressed, and often restored.

Amongst the seven kings of Rome four were lawgivers: for it is most true, that a discourser of Italy saith; "there was never state so well swaddled in the infancy, as the Roman was by the virtue of their first kings; which was a principal cause of the wonderful growth of that state in after-times."

The Decemvirs' laws were laws upon laws, not the original; for they grafted laws of Græcia upon the Roman stock of laws and customs: but such was their success, as the twelve tables which they compiled were the main body of the laws which framed and wielded the great body of that estate. These lasted a long time, with some supplementals and the pretorian edicts *in albo;* which were, in respect of laws, as writing tables in respect of brass; the one to be put in and out, as the other is permanent. Lucius Cornelius Sylla reformed the laws of Rome: for that man had three singularities, which never tyrant had but he; that he was a lawgiver, that he took part with the nobility, and that he turned private man, not upon fear, but upon confidence.

Cæsar long after desired to imitate him only in the first, for otherwise he relied upon new men; and for resigning his power Seneca describeth him right; "Cæsar gladium cito condidit, nunquam posuit," "Cæsar soon sheathed his sword, but never put it off." And himself took it upon him, saying in scorn of Sylla's resignation; "Sylla nescivit literas, dictare non potuit," "Sylla knew no letters, he could not dictate." But for the part of a lawgiver, Cicero giveth him the attribute; "Cæsar, si ab eo quæreretur, quid egisset in toga; leges se respondisset multas et præclaras tulisse;" "If you had asked Cæsar what he did in the gown, he would have answered, that he made many excellent laws." His nephew Augustus did tread the same steps, but with deeper print, because of his long reign in peace; whereof one of the poets of his time saith,

> "Pace data terris, animum ad civilia vertit
> Jura suum; legesque tulit justissimus auctor."

From that time there was such a race of wit and authority, between the commentaries and decisions of the lawyers, and the edicts of the emperors, as both law and lawyers were out of breath. Whereupon Justinian in the end recompiled both, and made a body of laws such as might be wielded, which himself calleth gloriously, and yet not above truth, the edifice or structure of a sacred temple of justice, built indeed out of the former ruins of books, as materials, and some novel constitutions of his own.

In Athens they had *Sexviri*, as Æschines observ-

eth, which were standing commissioners, who did watch to discern what laws waxed improper for the times, and what new law did in any branch cross a former law, and so *ex officio* propounded their repeal.

King Edgar collected the laws of this kingdom, and gave them the strength of a faggot bound, which formerly were dispersed; which was more glory to him, than his sailing about this island with a potent fleet: for that was, as the Scripture saith, "via navis in mari," "the way of a ship in the sea;" it vanished, but this lasteth. Alphonso the wise, the ninth of that name, king of Castile, compiled the digest of the laws of Spain, entitled the "Siete Partidas;" an excellent work, which he finished in seven years. And as Tacitus noteth well, that the capitol, though built in the beginnings of Rome, yet was fit for the great monarchy that came after; so that building of laws sufficeth the greatness of the empire of Spain, which since hath ensued.

Lewis XI. had it in his mind, though he performed it not, to have made one constant law of France, extracted out of the civil Roman law, and the customs of provinces which are various, and the king's edicts, which with the French are statutes. Surely he might have done well, if, like as he brought the crown, as he said himself, from Page, so he had brought his people from Lackey; not to run up and down for their laws to the civil law, and the ordinances and the customs and the discretions of courts, and discourses of philosophers, as they use to do.

King Henry VIII. in the twenty-seventh year of his reign, was authorized by parliament to nominate thirty-two commissioners, part ecclesiastical, and part temporal, to purge the canon law, and to make it agreeable to the law of God, and the law of the land; but it took not effect: for the acts of that king were commonly rather proffers and fames, than either well grounded, or well pursued: but I doubt I err in producing so many examples. For as Cicero said to Cæsar, so I may say to your Majesty, "Nil vulgare te dignum videri possit." Though indeed this well understood is far from vulgar: for that the laws of the most kingdoms and states have been like buildings of many pieces, and patched up from time to time according to occasions, without frame or model.

Now for the laws of England, if I shall speak my opinion of them without partiality either to my profession or country, for the matter and nature of them, I hold them wise, just, and moderate laws; they give to God, they give to Cæsar, they give to the subject, what appertaineth. It is true they are as mixt as our language, compounded of British, Roman, Saxon, Danish, Norman customs: and surely as our language is thereby so much the richer, so our laws are likewise by that mixture the more complete.

Neither doth this attribute less to them, than those that would have them to have stood out the same in all mutations. For no tree is so good first set, as by transplanting and grafting. I remember what happened to Callisthenes, that followed Alexander's court, and was grown into some displeasure with him, because he could not well brook the Persian adoration. At a supper, which with the Grecians was a great part talk, he was desired, the king being present, because he was an eloquent man, to speak of some theme, which he did; and chose for his theme, the praise of the Macedonian nation, which though it were but a filling thing to praise men to their faces, yet he performed it with such advantage of truth, and avoidance of flattery, and with such life, as was much applauded by the hearers. The king was the less pleased with it, not loving the man, and by way of discountenance said, It was easy to be a good orator in a pleasing theme. "But," saith he to him, "turn your style, and tell us now of our faults, that we may have the profit, and not you the praise only;" which he presently did with such quickness, that Alexander said, That malice made him eloquent then, as the theme had done before. I shall not fall into either of these extremes, in this subject of the laws of England; I have commended them before for the matter, but surely they ask much amendment for the form; which to reduce and perfect, I hold to be one of the greatest dowries that can be conferred upon this kingdom: which work, for the excellency, as it is worthy your Majesty's act and times, so it hath some circumstance of propriety agreeable to your person. God hath blessed your Majesty with posterity, and I am not of opinion that kings that are barren are fittest to supply perpetuity of generations by perpetuity of noble acts; but contrariwise, that they that have posterity are the more interested in the care of future times; that as well their progeny, as their people, may participate of their merit.

Your Majesty is a great master in justice and judicature, and it were pity the fruit of that your virtue should not be transmitted to the ages to come. Your Majesty also reigneth in learned times, the more, no doubt, in regard of your own perfection in learning, and your patronage thereof. And it hath been the mishap of works of this nature, that the less learned time hath, sometimes, wrought upon the more learned, which now will not be so. As for myself, the law was my profession, to which I am a debtor: some little helps I have of other arts, which may give form to matter: and I have now, by God's merciful chastisement, and by his special providence, time and leisure to put my talent, or half talent, or what it is, to such exchanges as may perhaps exceed the interests of an active life. Therefore, as in the beginning of my troubles I made offer to your Majesty to take pains in the story of England, and in compiling a method and digest of your laws, so have I performed the first, which rested but upon myself, in some part: and I do in all humbleness renew the offer of this latter, which will require help and assistance, to your Majesty, if it shall stand with your good pleasure to employ my service therein.

THE JUDICIAL CHARGE

OF

SIR FRANCIS BACON, KNIGHT,

THE KING'S SOLICITOR,

UPON THE COMMISSION OF OYER AND TERMINER HELD FOR THE

VERGE OF THE COURT.

"Lex vitiorum emendatrix, virtutum commendatrix est."

You are to know, and consider well, the duty and service to which you are called, and whereupon you are by your oath charged. It is the happy estate and condition of the subject of this realm of England, that he is not to be impeached in his life, lands, or goods, by flying rumours, or wandering fames and reports, or secret and privy inquisitions; but by the oath and presentment of men of honest condition, in the face of justice. But this happy estate of the subject will turn to hurt and inconvenience, if those that hold that part which you are now to perform shall be negligent and remiss in doing their duty; for as of two evils it were better men's doings were looked into over-strictly and severely, than that there should be a notorious impunity of malefactors; as was well and wisely said of ancient time, "a man were better live where nothing is lawful, than where all things are lawful." This therefore rests in your care and conscience, forasmuch as at you justice begins, and the law cannot pursue and chase offenders to their deserved fall, except you first put them up and discover them, whereby they may be brought to answer; for your verdict is not concluding to condemn, but it is necessary to charge, and without it the court cannot proceed to condemn.

Considering therefore that ye are the eye of justice, ye ought to be single, without partial affection; watchful, not asleep, or false asleep in winking at offenders, and sharp-sighted to proceed with understanding and discretion: for, in a word, if you shall not present unto the court all such offences, as shall appear unto you either by evidence given in, or otherwise, mark what I say, of your own knowledge, which have been committed within the verge, which is as it were the limits of your survey, but shall smother and conceal any offence willingly, then the guiltiness of others will cleave to your consciences before God; and besides, you are answerable in some degree to the king and his law for such your default and suppression; and therefore take good regard unto it, you are to serve the king and his people, you are to keep and observe your oath, you are to acquit yourselves.

But there is yet more cause why you should take more special regard to your presentments, than any other grand juries within the counties of this kingdom at large: for as it is a nearer degree and approach unto the king, which is the fountain of justice and government, to be the king's servant, than to be the king's subject; so this commission ordained for the king's servants and household, ought in the execution of justice to be exemplary unto other places. David saith, who was a king, "The wicked man shall not abide in my house;" as taking knowledge that it was impossible for kings to extend their care, to banish wickedness over all their land or empire; but yet at least they ought to undertake to God for their house.

We see further, that the law doth so esteem the dignity of the king's settled mansion-house, as it hath laid unto it a plot of twelve miles round, which we call the verge, to be subject to a special and exempted jurisdiction depending upon his person and great officers. This is a half-pace or carpet spread about the king's chair of estate, which therefore ought to be cleared and voided more than other places of the kingdom; for if offences should be shrouded under the king's wings, what hope is there of discipline and good justice in more remote parts? We see the sun, when it is at the brightest, there may be perhaps a bank of clouds in the north, or the west, or remote regions, but near his body few or none; for where the king cometh, there should come peace and order, and an awe and reverence in men's hearts.

And this jurisdiction was in ancient time executed, and since by statute ratified, by the lord steward with great ceremony, in the nature of a peculiar king's bench for the verge; for it was thought a kind of eclipsing to the king's honour, that where the king was, any justice should be sought but immediately from his own officers. But in respect that office was oft void, this commission hath succeeded, which change I do not dislike; for though it hath less state, yet it hath more strength legally: therefore I say, you that are a jury of the verge, should lead and give a pattern unto others in the care and conscience of your presentments.

Articuli super Chartas, c. 3. 13 R. 2. c. 3. 33 H. 8. c. 12.

Concerning the particular points and articles whereof you shall inquire, I will help your memory and mine own with order; neither will I load you, or trouble myself, with every branch of several offences, but stand upon those that are principal and most in use: the offences therefore that you are to present are of four natures.

I. The first, such as concern God and his church.

II. The second, such as concern the king and his state.

III. The third, such as concern the king's people, and are capital.

IV. The fourth, such as concern the king's people, not capital.

God and his church.

The service of Almighty God, upon whose blessing the peace, safety, and good estate of king and kingdom doth depend, may be violated, and God dishonoured in three manners, by profanation, by contempt, and by division, or breach of unity.

Profanations. 1 E. 6. c. 1. et 1 El. c. 2. 1 M. c. 3. 5 E. 6. c. 4. 13 E. 1. Stat. of Winton.

First, if any man hath depraved or abused in word or deed the blessed sacrament, or disturbed the preacher or congregation in the time of divine service; or if any have maliciously stricken with weapon, or drawn weapon in any church or church-yard; or if any fair or market have been kept in any church-yard; these are profanations within the purview of several statutes, and those you are to present: for holy things, actions, times, and sacred places, are to be preserved in reverence and divine respect.

Contempts, namely, Recusancy.

For contempts of our church and service, they are comprehended in that known name, which too many, if it pleased God, bear, recusancy; which offence hath many branches and dependencies; the wife-recusant, she tempts; the church-papist, he feeds and relieves; the corrupt schoolmaster, he soweth tares; the dissembler, he conformeth and doth not communicate. Therefore if any person, man or woman, wife or sole, above the age of sixteen years, not having some lawful excuse, have not repaired to church according to the several statutes; the one, for the weekly, the other, for the monthly repair, you are to present both the offence and the time how long. Again, such as maintain, relieve, keep in service of livery, recusants, though themselves be none, you are likewise to present; for these be like the roots of nettles, which sting not themselves, but bear and maintain the stinging leaves: so if any that keepeth a schoolmaster that comes not to church, or is not allowed by the bishop, for that infection may spread far: so such recusants as have been convicted and conformed, and have not received the sacrament once a year, for that is the touch-stone of their true conversion: and of these offences of recusancy take you special regard. Twelve miles from court is no region for such subjects. In the name of God, why should not twelve miles about the king's chair be as free from papist-recusants, as twelve miles from the city of Rome, the pope's chair, is from protestants? There be hypocrites and atheists, and so I fear there be amongst us; but no open contempt of their religion is endured. If there must be recusants, it were better they lurked in the country, than here in the bosom of the kingdom.

Breach of unity.

For matter of division and breach of unity, it is not without a mystery that Christ's coat had no seam, nor no more should the church, if it were possible. Therefore if any minister refuse to use the book of Common-prayer, or wilfully swerveth in divine service from that book; or if any person whatsoever do scandalize that book, and speak openly and maliciously in derogation of it; such men do but make a rent in the garment, and such are by you to be inquired of. But much more, such as are not only differing, but in a sort opposite unto it, by using a superstitious and corrupted form of divine service; I mean, such as say or hear mass.

These offences which I have recited to you, are against the service and worship of God: there remain two which likewise pertain to the dishonour of God; the one is, the abuse of his name by perjury; the other is, the adhering to God's declared enemies, evil and outcast spirits, by conjuration and witchcraft.

Perjury.

For perjury, it is hard to say whether it be more odious to God, or pernicious to man; for an oath, saith the apostle, is the end of controversies; if therefore that boundary of suits be taken away or mis-set, where shall be the end? Therefore you are to inquire of wilful and corrupt perjury in any of the king's courts, yea, of court-barons and the like, and that as well of the actors, as of the procurer and suborner.

Conjuration and witchcraft.

For witchcraft, by the former law it was not death, except it were actual and gross invocation of evil spirits, or making covenant with them, or taking away life by witchcraft: but now by an act in his Majesty's times, charms and sorceries in certain cases of procuring of unlawful love or bodily hurt, and some others, are made felony the second offence; the first being imprisonment and pillory.

1 Jac. c. 1, 2.

Supremacy placed with offences of state.

And here I do conclude my first part concerning religion and ecclesiastical causes: wherein it may be thought that I do forget matters of supremacy, or of Jesuits, and seminaries, and the like, which are usually sorted with causes of religion: but I must have leave to direct myself according to mine own persuasion, which is, that, whatsoever hath been said or written on the other side, all the late statutes, which inflict capital punishment upon extollers of the pope's supremacy, deniers of the king's supremacy, Jesuits and seminaries, and other offenders of that nature, have for their principal scope, not the punishment of the error of conscience, but the repressing of the peril of the estate. This is the true spirit of these laws, and therefore I will place them under my second division, which is of offences that concern the king and his estate, to which now I come.

The king and his state.

These offences therefore respect either the safety of the king's person,

or the safety of his estate and kingdom, which though they cannot be dissevered in deed, yet they may be distinguished in speech. First then, if any have conspired against the life of the king, which God have in his custody! or of the queen's Majesty, or of the most noble prince their eldest son; the very compassing and inward imagination thereof is high treason, if it can be proved by any fact that is overt: for in the case of so sudden, dark, and pernicious, and peremptory attempts, it were too late for the law to take a blow before it gives; and this high treason of all other is most heinous, of which you shall inquire, though I hope there be no cause.

The king's person.

There is another capital offence that hath an affinity with this, whereof you here within the verge are most properly to inquire; the king's privy council are as the principal watch over the safety of the king, so as their safety is a portion of his: if therefore any of the king's servants within his cheque-roll, for to them only the law extends, have conspired the death of any the king's privy council, this is felony, and thereof you shall inquire.

Privy council.

And since we are now in that branch of the king's person, I will speak also of the king's person by representation, and the treasons which touch the same.

Representation of his person.

The king's person and authority is represented in three things; in his seals, in his moneys, and in his principal magistrates: if therefore any have counterfeited the king's great seal, privy seal, or seal manual; or counterfeited, clipped, or scaled his moneys, or other moneys current, this is high treason; so is it to kill certain great officers or judges executing their office.

We will now pass to those treasons which concern the safety of the king's estate, which are of three kinds, answering to three perils which may happen to an estate; these perils are, foreign invasion, open rebellion and sedition, and privy practice to alienate and estrange the hearts of the subjects, and to prepare them either to adhere to enemies, or to burst out into tumults and commotions of themselves.

The estate.

Therefore if any person have solicited or procured any invasion from foreigners; or if any have combined to raise and stir the people to rebellion within the realm; these are high treasons, tending to the overthrow of the estate of this commonwealth, and to be inquired of.

Invasion and rebellion.

The third part of practice hath divers branches, but one principal root in these our times, which is the vast and over-spreading ambition and usurpation of the see of Rome; for the pope of Rome is, according to his late challenges and pretences, become a competitor and corrival with the king, for the hearts and obediences of the king's subjects: he stands for it, he sends over his love-tokens and brokers, under colour of conscience, to steal and win away the hearts and allegiances of the people, and to make them as fuel ready to take fire upon any his commandments.

Alienation of hearts.

This is that yoke which this kingdom hath happily cast off, even at such time when the popish religion was nevertheless continued, and that divers states, which are the pope's vassals, do likewise begin to shake off.

If therefore any person have maintained and extolled the usurped authority of the bishop of Rome within the king's dominions, by writing, preaching, or deed, advisedly, directly, and maliciously; or if any person have published or put in ure any of the pope's bulls or instruments of absolution; or if any person have withdrawn, and reconciled, any of the king's subjects from their obedience, or been withdrawn and reconciled; or if any subject have refused the second time to take the oath of supremacy lawfully tendered; or if any Jesuit or seminary come and abide within this realm; these are by several statutes made cases of high treason, the law accounting these things as preparatives, and the first wheels and secret motions of seditions and revolts from the king's obedience. Of these you are to inquire, both of the actors and of their abettors, comforters, receivers, maintainers, and concealers, which in some cases are traitors, as well as the principal, in some cases in *præmunire*, in some other in misprision of treason, which I will not stand to distinguish, and in some other, felony; as namely, that of the receiving and relieving of Jesuits and priests; the bringing in and dispersing of *Agnus Dei's*, crosses, pictures, or such trash, is likewise *præmunire:* and so is the denial to take the oath of supremacy the first time.

Supremacy, treason, &c. 5 Eliz. c. 1. Jesuits. 3 Jac. cap. 4, et 5.

28 El. c. 1.

13 El. c. 2. 23 El. c. 1.

Agnus Dei's.

And because in the disposition of a state to troubles and perturbations, military men are most tickle and dangerous; therefore if any of the king's subjects go over to serve in foreign parts, and do not first endure the touch, that is, take the oath of allegiance; or if he have borne office in any army, and do not enter into bond with sureties as is prescribed, this is made felony; and such as you shall inquire.

Military men.

Lastly, because the vulgar people are sometimes led with vain and fond prophecies; if any such shall be published, to the end to move stirs or tumults, this is not felony, but punished by a year's imprisonment and loss of goods; and of this also shall you inquire.

Prophecies.

You shall likewise understand that the escape of any prisoner committed for treason, is treason; whereof you are likewise to inquire.

Now come I to the third part of my division; that is, those offences which concern the king's people, and are capital; which nevertheless the law terms offences against the crown, in respect of the protection that the king hath of his people, and the interest he hath in them and their welfare; for touch them, touch the king. These offences are of three natures: the first concerneth the conservation of their lives; the second, of honour and honesty of their persons and families; and the third, of their substance.

The people, capital.

Life.

First for life. I must say unto you in general, that life is grown too cheap in these times, it is set at the price of words, and every petty scorn and disgrace can have no other reparation; nay so many men's lives are taken away with impunity, that the very life of the law is almost taken away, which is the execution; and therefore though we cannot restore the life of those men that are slain, yet I pray let us restore the law to her life, by proceeding with due severity against the offenders; and most especially this plot of ground, which, as I said, is the king's carpet, ought not to be stained with blood, crying in the ears of God and the king. It is true nevertheless, that the law doth make divers just differences of life taken away; but yet no such differences as the wanton humours and braveries of men have under a reverend name of honour and reputation invented.

The highest degree is where such a one is killed, unto whom the offender did bear faith and obedience; as the servant to the master, the wife to the husband, the clerk to the prelate; and I shall ever add, for so I conceive of the law, the child to the father or the mother; and this the law terms petty treason.

The second is, Where a man is slain upon forethought malice, which the law terms murder; and it is an offence horrible and odious, and cannot be blanched, nor made fair, but foul.

The third is, Where a man is killed upon a sudden heat or affray, whereunto the law gives some little favour, because a man in fury is not himself, *ira furor brevis*, wrath is a short madness; and the wisdom of law in his Majesty's time hath made a subdivision of the stab given, where the party stabbed is out of defence, and had not given the first blow, from other manslaughters.

1 Jac. c. 8.

The fourth degree is, That of killing a man in the party's own defence, or by misadventure, which though they be not felonies, yet nevertheless the law doth not suffer them to go unpunished: because it doth discern some sparks of a bloody mind in the one, and of carelessness in the other.

And the fifth is, Where the law doth admit a kind of justification, not by plea, for a man may not, that hath shed blood, affront the law with pleading not guilty; but when the case is found by verdict, being disclosed upon the evidence; as where a man in the king's highway and peace is assailed to be murdered or robbed; or when a man defending his house, which is his castle, against unlawful violence; or when a sheriff or minister of justice is resisted in the execution of his office; or when the patient dieth in the chirurgeon's hands, upon cutting or otherwise: for these cases the law doth privilege, because of the necessity, and because of the innocency of the intention.

Thus much for the death of man, of which cases you are to inquire: together with the accessories before and after the fact.

Honesty of life.

For the second kind, which concerns the honour and chasteness of persons and families; you are to inquire of the ravishment of women, of the taking of women out of the possession of their parents or guardians against their will, or marrying them, or abusing them; of double marriages, where there was not first seven years' absence, and no notice that the party so absent was alive, and other felonies against the honesty of life.

1 Jac. c. 11.

Substance.

For the third kind, which concerneth men's substance, you shall inquire of burglaries, robberies, cutting of purses, and taking of any thing from the person: and generally other stealths, as well such as are plain, as those that are disguised, whereof I will by and by speak: but first I must require you to use diligence in presenting especially those purloinings and embezzlements, which are of plate, vessel, or whatsoever within the king's house. The king's house is an open place; it ought to be kept safe by law, and not by lock, and therefore needeth the more severity.

Now for coloured and disguised robberies; I will name two or three of them: the purveyor that takes without warrant, is no better than a thief, and it is felony. The servant that hath the keeping of his Majesty's goods, and going away with them, though he came to the possession of them lawfully, it is felony. Of these you shall likewise inquire, principals and accessories. The voluntary escape of a felon is also felony.

28 E. 1. *Articuli super chartas*, c. 2. 31 El. c. 4. 32 H. 6. c. 1. 21 H. 8. c. 7

The people, not capital.

For the last part, which is of offences concerning the people not capital, they are many: but I will select only such as I think fittest to be remembered unto you, still dividing, to give you the better light. They are of four natures.

1. The first, is matter of force and outrage.
2. The second, matter of fraud and deceit.
3. Public nuisances and grievances.
4. The fourth, breach and inobservance of certain wholesome and politic laws for government.

Force.

For the first, you shall inquire of riots and unlawful assemblies, of forcible entries, and detainers with force; and properly of all assaults of striking, drawing weapon, or other violence within the king's house, and the precincts thereof: for the king's house, from whence example of peace should flow unto the farthest parts of the kingdom, as the ointment of Aaron's head to the skirts of his garment, ought to be sacred and inviolate from force and brawls, as well in respect of reverence to the place, as in respect of danger of greater tumult, and of ill example to the whole kingdom; and therefore in that place all should be full of peace, order, regard, forbearance, and silence.

Besides open force, there is a kind of force that cometh with an armed hand, but disguised, that is no less hateful and hurtful; and that is, abuse and oppression by authority. And therefore you shall inquire of all extortions, in officers and ministers; as sheriffs, bailiffs of hundreds, escheators, coroners, constables, ordinaries, and others, who by colour of office do poll the people.

For frauds and deceits, I do chiefly commend to your care the frauds and deceits in that which is the chief means of all just contract and permutation, which is, weights and measures; wherein, although God hath pronounced that a false weight is an abomination, yet the abuse is so common and so general, I mean of weights, and I speak upon knowledge and late examination, that if one were to build a church, he should need but false weights, and not seek them far, of the piles of brass to make the bells, and the weights of lead to make the battlements: and herein you are to make special inquiry, whether the clerk of the market within the verge, to whom properly it appertains, hath done his duty.

Nuisance.

For nuisances and grievances, I will for the present only single out one, that ye present the decays of highways and bridges; for where the Majesty of a king's house draws recourse and access, it is both disgraceful to the king, and diseaseful to the people, if the ways near-abouts be not fair and good; wherein it is strange to see the chargeable pavements and causeways in the avenues and entrances of towns abroad beyond the seas; whereas London, the second city at least of Europe, in glory, in greatness, and in wealth, cannot be discerned by the fairness of the ways, though a little perhaps by the broadness of them, from a village.

Breach of statutes.

For the last part, because I pass these things over briefly, I will make mention unto you of three laws.

1. The one, concerning the king's pleasure.
2. The second, concerning the people's food.
3. And the third, concerning wares and manufactures.

King's pleasure.

You shall therefore inquire of the unlawful taking partridges and pheasants or fowl, the destruction of the eggs of the wild-fowl, the killing of hares or deer, and the selling of venison or hares: for that which is for exercise, and sport, and courtesy, should not be turned to gluttony and sale victual.

Food.

You shall also inquire whether bakers and brewers keep their assize, and whether as well they as butchers, innholders and victuallers, do sell that which is wholesome, and at reasonable prices, and whether they do link and combine to raise prices.

Manufactures.

Lastly, you shall inquire whether the good statute be observed, whereby a man may have that he thinketh he hath, and not be abused or mis-served in that he buys: I mean that statute that requireth that none use any manual occupation but such as have been seven years apprentice to it; which law being generally transgressed, makes the people buy in effect chaff for corn; for that which is mis-wrought will mis-wear.

5 Eliz. c. 4.

There be many more things inquirable by you throughout all the former parts, which it were overlong in particular to recite. You may be supplied either out of your own experience, or out of such bills and informations as shall be brought unto you, or upon any question that you shall demand of the court, which will be ready to give you any farther direction as far as is fit: but these which I have gone through, are the principal points of your charge; which to present, you have taken the name of God to witness; and in the name of God perform it.

A CHARGE DELIVERED

BY SIR FRANCIS BACON, KNIGHT,

THE KING'S SOLICITOR-GENERAL,

AT THE

ARRAIGNMENT OF THE LORD SANQUHAR,

IN THE KING'S BENCH AT WESTMINSTER.

THE ARGUMENT.

The Lord Sanquhar, a Scotch nobleman, having, in private revenge, suborned Robert Carlile to murder John Turner, master of fence, thought, by his greatness, to have borne it out; but the king, respecting nothing so much as justice, would not suffer nobility to be a shelter for villany; but, according to law, on the 29th of June, 1612, the said Lord Sanquhar, having been arraigned and condemned, by the name of Robert Creighton, Esq. was before Westminster-hall Gate executed, where he died very penitent. At whose arraignment my lord Bacon, then Solicitor-General to King James, made this speech following:

In this cause of life and death, the jury's part is in effect discharged; for after a frank and formal confession, their labour is at an end: so that what hath been said by Mr. Attorney, or shall be said by myself, is rather convenient than necessary.

My lord Sanquhar, your fault is great, and cannot

be extenuated, and it need not be aggravated; and if it needed, you have made so full an anatomy of it out of your own feeling, as it cannot be matched by myself, or any man else, out of conceit; so as that part of aggravation I leave. Nay, more, this christian and penitent course of yours draws me thus far, that I will agree, in some sort extenuates it: for certainly, as even in extreme evils there are degrees; so this particular of your offence is such, as though it be foul spilling of blood, yet there are more foul: for if you had sought to take away a man's life for his vineyard, as Ahab did; or for envy, as Cain did; or to possess his bed, as David did; surely the murder had been more odious.

Your temptation was revenge, which the more natural it is to man, the more have laws both divine and human sought to repress it; "Mihi vindicta." But in one thing you and I shall never agree, that generous spirits, you say, are hard to forgive: no, contrariwise, generous and magnanimous minds are readiest to forgive; and it is a weakness and impotency of mind to be unable to forgive;

Corpora magnanimo satis est prostrasse leoni.

But howsoever murders may arise from several motives, less or more odious, yet the law both of God and man involves them in one degree, and therefore you may read that in Joab's case, which was a murder upon revenge, and matcheth with your case; he for a dear brother, and you for a dear part of your own body; yet there was a severe charge given, it should not be unpunished.

And certainly the circumstance of time is heavy upon you: it is now five years since this unfortunate man Turner, be it upon accident, or be it upon despite, gave the provocation, which was the seed of your malice. All passions are suaged with time: love, hatred, grief; all fire itself burns out with time, if no new fuel be put to it. Therefore for you to have been in the gall of bitterness so long, and to have been in a restless chace of this blood so many years, is a strange example; and I must tell you plainly, that I conceive you have sucked those affections of dwelling in malice, rather out of Italy and outlandish manners, where you have conversed, than out of any part of this island, England or Scotland.

But that which is fittest for me to spend time in, the matter being confessed, is to set forth and magnify to the hearers the justice of this day; first of God, and then of the king.

My lord, you have friends and entertainments in foreign parts; it had been an easy thing for you to set Carlile, or some other bloodhound on work, when your person had been beyond the seas; and so this news might have come to you in a packet, and you might have looked on how the storm would pass: but God bereaved you of this foresight, and closed you here under the hand of a king, that though abundant in clemency, yet is no less zealous of justice.

Again, when you came in at Lambeth, you might have persisted in the denial of the procurement of the fact; Carlile, a resolute man, might perhaps have cleared you, for they that are resolute in mischief, are commonly obstinate in concealing the procurers, and so nothing should have been against you but presumption. But then also God, to take away all obstruction of justice, gave you the grace, which ought indeed to be more true comfort to you, than any device whereby you might have escaped, to make a clear and plain confession.

Other impediments there were, not a few, which might have been an interruption to this day's justice, had not God in his providence removed them.

But, now that I have given God the honour, let me give it likewise where it is next due, which is, to the king our sovereign.

This murder was no sooner committed, and brought to his Majesty's ears, but his just indignation, wherewith he first was moved, cast itself into a great deal of care and providence to have justice done. First came forth his proclamation, somewhat of a rare form, and devised, and in effect dictated by his Majesty himself; and by that he did prosecute the offenders, as it were with the breath and blast of his mouth. Then did his Majesty stretch forth his long arms, for kings have long arms when they will extend them, one of them to the sea, where he took hold of Grey shipped for Sweden, who gave the first light of testimony; the other arm to Scotland, and took hold of Carlile, ere he was warm in his house, and brought him the length of his kingdom under such safe watch and custody, as he could have no means to escape, no nor to mischief himself, no nor learn any lessons to stand mute; in which cases, perhaps, this day's justice might have received a stop. So that I may conclude his Majesty hath showed himself God's true lieutenant, and that he is no respecter of persons; but the English, Scottish, nobleman, fencer, are to him alike in respect of justice.

Nay, I must say farther, that his Majesty hath had, in this, a kind of prophetical spirit; for what time Carlile and Grey, and you, my lord, yourself, were fled no man knew whither, to the four winds, the king ever spake in a confident and undertaking manner, that wheresoever the offenders were in Europe, he would produce them forth to justice; of which noble word God hath made him master.

Lastly, I will conclude towards you, my lord, that though your offence hath been great, yet your confession hath been free, and your behaviour and speech full of discretion; and this shows, that though you could not resist the tempter, yet you bear a christian and generous mind, answerable to the noble family of which you are descended. This I commend unto you, and take it to be an assured token of God's mercy and favour, in respect whereof all worldly things are but trash; and so it is fit for you, as your state now is, to account them. And this is all I will say for the present.

[*Note.* The reader for his fuller information in this story of the lord Sanquhar, is desired to peruse the case in the ninth book of the lord Coke's Reports; at the end of which the whole series of the murder and trial is exactly related.]

THE CHARGE

OF SIR FRANCIS BACON, KNIGHT,

THE KING'S ATTORNEY-GENERAL,

TOUCHING DUELS.

UPON AN INFORMATION IN THE STAR-CHAMBER AGAINST PRIEST AND WRIGHT.

WITH THE DECREE OF THE STAR-CHAMBER IN THE SAME CAUSE.

My lords,

I thought it fit for my place, and for these times, to bring to hearing before your lordships some cause touching private duels, to see if this court can do any good to tame and reclaim that evil which seems unbridled. And I could have wished that I had met with some greater persons, as a subject for your censure, both because it had been more worthy of this presence, and also the better to have showed the resolution myself hath to proceed without respect of persons in this business: but finding this cause on foot in my predecessor's time, and published and ready for hearing, I thought to lose no time in a mischief that groweth every day: and besides, it passes not amiss sometimes in government, that the greater sort be admonished by an example made in the meaner, and the dog to be beaten before the lion. Nay, I should think, my lords, that men of birth and quality will leave the practice when it begins to be vilified, and come so low as to barber-surgeons and butchers, and such base mechanical persons.

And for the greatness of this presence, in which I take much comfort, both as I consider it in itself, and much more in respect it is by his Majesty's direction, I will supply the meanness of the particular cause, by handling of the general point: to the end, that by the occasion of this present cause, both my purpose of prosecution against duels, and the opinion of the court, without which I am nothing, for the censure of them, may appear, and thereby offenders in that kind may read their own case, and know what they are to expect; which may serve for a warning until example may be made in some greater person: which I doubt the times will but too soon afford.

Therefore before I come to the particular, whereof your lordships are now to judge, I think it time best spent to speak somewhat,

First, Of the nature and greatness of this mischief.

Secondly, Of the causes and remedies.

Thirdly, Of the justice of the law of England, which some stick not to think defective in this matter.

Fourthly, Of the capacity of this court, where certainly the remedy of this mischief is best to be found.

And fifthly, Touching mine own purpose and resolution, wherein I shall humbly crave your lordships' aid and assistance.

For the mischief itself, it may please your lordships to take into your consideration that when revenge is once extorted out of the magistrates' hands, contrary to God's ordinance, "Mihi vindicta, ego retribuam," and every man shall bear the sword, not to defend, but to assail; and private men begin once to presume to give law to themselves, and to right their own wrongs, no man can foresee the danger and inconveniences that may arise and multiply thereupon. It may cause sudden storms in court, to the disturbance of his Majesty, and unsafety of his person: it may grow from quarrels to bandying, and from bandying to trooping, and so to tumult and commotion; from particular persons to dissension of families and alliances; yea, to national quarrels, according to the infinite variety of accidents, which fall not under foresight: so that the state by this means shall be like to a distempered and imperfect body, continually subject to inflammations and convulsions.

Besides, certainly, both in divinity and in policy, offences of presumption are the greatest. Other offences yield and consent to the law that it is good, not daring to make defence, or to justify themselves; but this offence expressly gives the law an affront, as if there were two laws, one a kind of gown-law, and the other a law of reputation, as they term it; so that Paul's and Westminster, the pulpit and the courts of justice, must give place to the law, as the king speaketh in his proclamation, of ordinary tables, and such reverend assemblies: the year-books and statute-books must give place to some French and Italian pamphlets, which handle the doctrine of duels, which if they be in the right, *transeamus ad illa*, let us receive them, and not keep the people in conflict and distraction between two laws.

Again, my lords, it is a miserable effect, when young men full of towardness and hope, such as the poets call *auroræ filii*, sons of morning, in whom the expectation and comfort of their friends consisteth, shall be cast away and destroyed in such a vain manner; but much more it is to be deplored when so much noble and genteel blood should be spilt upon such follies, as, if it were adventured in the field in service of the king and realm, were able to make the fortune of a day, and to change the fortune of a kingdom. So as your lordships see what a desperate evil this is; it troubleth peace, it disfurnisheth war, it bringeth calamity upon private men, peril upon the state, and contempt upon the law.

Touching the causes of it; the first motive, no doubt, is a false and erroneous imagination of honour and credit: and therefore the king, in his last proclamation, doth most aptly and excellently call them bewitching duels. For if one judge of it truly, it is no better than a sorcery that enchanteth the spirits of young men, that bear great minds with a false show, *species falsa;* and a kind of satanical illusion and apparition of honour against religion, against law, against moral virtue, and against the precedents and examples of the best times and valiantest nations; as I shall tell you by and by, when I shall show you the law of England is not alone in this point.

But then the seed of this mischief being such, it is nourished by vain discourses, and green and unripe conceits, which nevertheless have so prevailed, as though a man were staid and sober-minded, and a right believer touching the vanity and unlawfulness of these duels; yet the stream of vulgar opinion is such, as it imposeth a necessity upon men of value to conform themselves, or else there is no living or looking upon men's faces: so that we have not to do, in this case, so much with particular persons, as with unsound and depraved opinions, like the dominations and spirits of the air which the Scripture speaketh of.

Hereunto may be added, that men have almost lost the true notion and understanding of fortitude and valour. For fortitude distinguisheth of the grounds of quarrels whether they be just; and not only so, but whether they be worthy; and setteth a better price upon men's lives than to bestow them idly: nay, it is weakness and disesteem of a man's self, to put a man's life upon such liedger performances: a man's life is not to be trifled away; it is to be offered up and sacrificed to honourable services, public merits, good causes, and noble adventures. It is in expense of blood as it is in expense of money; it is no liberality to make a profusion of money upon every vain occasion, nor no more it is fortitude to make effusion of blood, except the cause be of worth. And thus much for the causes of this evil.

For the remedies, I hope some great and noble person will put his hand to this plough, and I wish that my labours of this day may be but forerunners to the work of a higher and better hand. But yet to deliver my opinion as may be proper for this time and place, there be four things that I have thought on, as the most effectual for the repressing of this depraved custom of particular combats.

The first is, That there do appear and be declared a constant and settled resolution in the state to abolish it. For this is a thing, my lords, must go down at once, or not at all; for then every particular man will think himself acquitted in his reputation, when he sees that the state takes it to heart, as an insult against the king's power and authority, and thereupon hath absolutely resolved to master it; like unto that which was set down in express words in the edict of Charles IX. of France touching duels, that the king himself took upon him the honour of all that took themselves grieved or interested for not having performed the combat. So must the state do in this business: and in my conscience there is none that is but of a reasonable sober disposition, be he never so valiant, except it be some furious person that is like a firework, but will be glad of it, when he shall see the law and rule of state disinterest him of a vain and unnecessary hazard.

Secondly, Care must be taken that this evil be no more cockered, nor the humour of it fed; wherein I humbly pray your lordships that I may speak my mind freely, and yet be understood aright. The proceedings of the great and noble commissioners martial I honour and reverence much, and of them I speak not in any sort; but I say the compounding of quarrels, which is otherwise in use by private noblemen and gentlemen, it is so punctual, and hath such reference and respect unto the received conceits, what's before-hand, and what's behind-hand, and I cannot tell what, as without all question it doth, in a fashion, countenance and authorise this practice of duels, as if it had in it somewhat of right.

Thirdly, I must acknowledge that I learned out of the king's last proclamation the most prudent and best applied remedy for this offence, if it shall please his Majesty to use it, that the wit of man can devise. This offence, my lords, is grounded upon a false conceit of honour, and therefore it would be punished in the same kind, "in eo quis rectissime plectitur, in quo peccat." The fountain of honour is the king and his aspect, and the access to his person continueth honour in life, and to be banished from his presence is one of the greatest eclipses of honour that can be; if his Majesty shall be pleased that when this court shall censure any of these offences in persons of eminent quality, to add this out of his own power and discipline, that these persons shall be banished and excluded from his court for certain years, and the courts of his queen and prince, I think there is no man that hath any good blood in him will commit an act that shall cast him into that darkness, that he may not behold his sovereign's face.

Lastly, and that which more properly concerneth this court: We see, my lords, the root of this offence is stubborn; for it despiseth death, which is the utmost of punishments; and it were a just but a miserable severity to execute the law without all remission or mercy, where the case proveth capital. And yet the late severity in France was more, where, by a kind of martial law, established by ordinance of the king and parliament, the party that had slain

mother was presently had to the gibbet, insomuch as gentlemen of great quality were hanged, their wounds bleeding, lest a natural death should prevent the example of justice. But, my lords, the course which we shall take is of far greater lenity, and yet of no less efficacy; which is to punish, in this court, all the middle acts and proceedings which tend to the duel, which I will enumerate to you anon, and so to hew and vex the root in the branches, which, no doubt, in the end will kill the root, and yet prevent the extremity of law.

Now for the law of England, I see it excepted to, though ignorantly, in two points:

The one, That it should make no difference between an insidious and foul murder, and the killing of a man upon fair terms, as they now call it.

The other, That the law hath not provided sufficient punishment, and reparations, for contumely of words, as the lie, and the like.

But these are no better than childish novelties against the divine law, and against all laws in effect, and against the examples of all the bravest and most virtuous nations of the world.

For first, for the law of God, there is never to be found any difference made in homicide, but between homicide voluntary and involuntary, which we term misadventure. And for the case of misadventure itself, there were cities of refuge; so that the offender was put to his flight, and that flight was subject to accident, whether the revenger of blood should overtake him before he had gotten sanctuary or no. It is true that our law hath made a more subtle distinction between the will inflamed and the will advised, between manslaughter in heat and murder upon prepensed malice or cold blood, as the soldiers call it, an indulgence not unfit for a choleric and warlike nation; for it is true, "ira furor brevis:" a man in fury is not himself. This privilege of passion the ancient Roman law restrained, but to a case: that was, if the husband took the adulterer in the manner; to that rage and provocation only it gave way, that a homicide was justifiable. But for a difference to be made in case of killing and destroying man, upon a fore-thought purpose, between foul and fair, and as it were between single murder and vied murder, it is but a monstrous child of this latter age, and there is no shadow of it in any law divine or human. Only it is true, I find in the Scripture that Cain enticed his brother into the field and slew him treacherously; but Lamech vaunted of his manhood that he would kill a young man, and if it were to his hurt: so as I see no difference between an insidious murder and a braving or presumptuous murder, but the difference between Cain and Lamech.

As for examples in civil states, all memory doth consent that Græcia and Rome were the most valiant and generous nations of the world; and, that which is more to be noted, they were free estates, and not under a monarchy; whereby a man would think it a great deal the more reason that particular persons should have righted themselves; and yet they had not this practice of duels, nor any thing that bare show thereof: and sure they would have had it, if there had been any virtue in it. Nay, as he saith, "Fas est et ab hoste doceri." It is memorable, that is reported by a counsellor ambassador of the emperor's, touching the censure of the Turks of these duels: there was a combat of this kind performed by two persons of quality of the Turks, wherein one of them was slain, the other party was convented before the counsel of bashaws; the manner of the reprehension was in these words: "How durst you undertake to fight one with the other? Are there not christians enough to kill? Did you not know that whether of you shall be slain, the loss would be the Great Seignior's?" So as we may see that the most warlike nations, whether generous or barbarous, have ever despised this wherein now men glory.

It is true, my lords, that I find combats of two natures authorized, how justly I will not dispute as to the latter of them.

The one, when upon the approaches of armies in the face one of the other, particular persons have made challenges for trial of valours in the field upon the public quarrel.

This the Romans called *Pugna per provocationem.* And this was never, but either between the generals themselves, who are absolute, or between particulars by licence of the generals; never upon private authority. So you see David asked leave when he fought with Goliah; and Joab, when the armies were met, gave leave, and said, "Let the young men play before us." And of this kind was that famous example in the wars of Naples, between twelve Spaniards and twelve Italians, where the Italians bare away the victory; besides other infinite like examples worthy and laudable, sometimes by singles, sometimes by numbers.

The second combat is a judicial trial of right, where the right is obscure, introduced by the Goths and the northern nations, but more anciently entertained in Spain; and this yet remains in some cases as a divine lot of battle, though controverted by divines, touching the lawfulness of it: so that a wise writer saith, "Taliter pugnantes videntur tentare Deum, quia hoc volunt ut Deus ostendat et faciat miraculum, ut justam causam habens victor efficiatur, quod sæpe contra accidit." But howsoever it be, this kind of fight taketh its warrant from law. Nay, the French themselves, whence this folly seemeth chiefly to have flown, never had it but only in practice and toleration, and never as authorized by law; and yet now of late they have been fain to purge their folly with extreme rigour, in so much as many gentlemen left between death and life in the duels, as I spake before, were hastened to hanging with their wounds bleeding. For the state found it had been neglected so long, as nothing could be thought cruelty which tended to the putting of it down.

As for the second defect pretended in our law, that it hath provided no remedy for lies and fillips, it may receive like answer. It would have been thought a madness amongst the ancient lawgivers, to have set a punishment upon the lie given, which in effect is but a word of denial, a negative of another's saying. Any lawgiver, if he had been asked

the question would have made Solon's answer: That he had not ordained any punishment for it, because he never imagined the world would have been so fantastical as to take it so highly. The civilians, they dispute whether an action of injury lie for it, and rather resolve the contrary. And Francis the first of France, who first set on and stamped this disgrace so deep, is taxed by the judgment of all wise writers for beginning the vanity of it: for it was he, that when he had himself given the lie and defy to the emperor, to make it current in the world, said in a solemn assembly, "That he was no honest man that would bear the lie:" which was the fountain of this new learning.

As for words of reproach and contumely, whereof the lie was esteemed none, it is not credible, but that the orations themselves are extant, what extreme and exquisite reproaches were tossed up and down in the senate of Rome and the places of assembly, and the like in Græcia, and yet no man took himself fouled by them, but took them but for breath, and the style of an enemy, and either despised them or returned them, but no blood spilt about them.

So of every touch or light blow of the person, they are not in themselves considerable, save that they have got upon them the stamp of a disgrace, which maketh these light things pass for great matter. The law of England, and all laws, hold these degrees of injury to the person, slander, battery, maim, and death; and if there be extraordinary circumstances of despite and contumely, as in case of libels, and bastinadoes, and the like, this court taketh them in hand, and punisheth them exemplarily. But for this apprehension of a disgrace, that a fillip to the person should be a mortal wound to the reputation, it were good that men did hearken unto the saying of Consalvo, the great and famous commander, that was wont to say, a gentleman's honour should be *de tela crassiore*, of a good strong warp or web, that every little thing should not catch in it; when as now it seems they are but of cobweb lawn, or such light stuff, which certainly is weakness, and not true greatness of mind, but like a sick man's body, that is so tender that it feels every thing. And so much in maintenance and demonstration of the wisdom and justice of the law of the land.

For the capacity of this court, I take this to be a ground infallible: that wheresoever an offence is capital or matter of felony, though it be not acted, there the combination or practice tending to that offence is punishable in this court as a high misdemeanor. So practice to impoison, though it took no effect; waylaying to murder, though it took no effect, and the like; have been adjudged heinous misdemeanors punishable in this court. Nay, inceptions and preparations in inferior crimes, that are not capital, as suborning and preparing of witnesses that were never deposed, or deposed nothing material, have likewise been censured in this court, as appeareth by the decree in Garnon's case.

Why then, the major proposition being such, the minor cannot be denied: for every appointment of the field is but combination and plotting of murder; let them gild it how they list, they shall never have fairer terms of me in place of justice. Then the conclusion followeth, that it is a case fit for the censure of the court. And of this there be precedents in the very point of challenge.

It was the case of Wharton plaintiff, against Ellekar and Acklam defendants, where Acklam being a follower of Ellekar's was censured for carrying a challenge from Ellekar to Wharton, though the challenge was not put in writing, but delivered only by word of message; and there are words in the decree that such challenges are to the subversion of government.

These things are well known, and therefore I needed not so much to have insisted upon them, but that in this case I would be thought not to innovate any thing of my own head, but to follow the former precedents of the court, though I mean to do it more throughly, because the time requires it more.

Therefore now to come to that which concerneth my part; I say that by the favour of the king and the court, I will prosecute in this court in the cases following.

If any man shall appoint the field, though the fight be not acted or performed.

If any man shall send any challenge in writing, or any message of challenge.

If any man carry or deliver any writing or message of challenge.

If any man shall accept or return a challenge.

If a man shall accept to be a second in a challenge of either side.

If any man shall depart the realm, with intention and agreement to perform the fight beyond the seas.

If any man shall revive a quarrel by any scandalous bruits or writings, contrary to a former proclamation published by his Majesty in that behalf.

Nay, I hear there be some counsel learned of duels, that tell young men when they are beforehand, and when they are otherwise, and thereby incense and incite them to the duel, and make an art of it; I hope I shall meet with some of them too: and I am sure, my lords, this course of preventing duels, in nipping them in the bud, is fuller of clemency and providence than the suffering them to go on, and hanging men with their wounds bleeding, as they did in France.

To conclude, I have some petitions to make first to your lordship, my lord chancellor, that in case I be advertised of a purpose in any to go beyond the seas to fight, I may have granted his Majesty's writ of *Ne exeat regnum* to stop him, for this giant bestrideth the sea, and I would take and snare him by the foot on this side; for the combination and plotting is on this side, though it should be acted beyond sea. And your lordship said notably the last time I made a motion in this business, that a man may be as well *fur de se* as *felo de se*, if he steal out of the realm for a bad purpose; as for the satisfying of the words of the writ, no man will doubt but he doth machinari *contra coronam*, as the words of the writ be, that seeketh to murder a subject; for that is ever contra *coronam et dignitatem*. I have also a suit to your lordships all in general, that for justice' sake, and for true honour's sake, honour of religion, law, and

ie king our master, against this fond and false disuise or puppetry of honour, I may in my prosecuon, which, it is like enough, may sometimes stir ›als, which I esteem not for my particular, but as may hinder the good service, I may, I say, be ›untenanced and assisted from your lordships. Last-', I have a petition to the nobles and gentlemen of ngland, that they would learn to esteem themselves at a just price. *Non hos quæsitum munus in usus*, their blood is not to be spilt like water or a vile thing; therefore that they would rest persuaded there cannot be a form of honour, except it be upon a worthy matter. But for this, *ipsi viderint*, I am resolved. And thus much for the general, now to the present case.

THE

DECREE OF THE STAR-CHAMBER

AGAINST

DUELS,

IN CAMERA STELLATA CORAM CONCILIO, IBIDEM, 26 JANUARII, 11 JAC. REGIS.

PRESENT,

ieorge Lord Archbishop of Canterbury.
'homas Lord Ellesmere, Lord Chancellor of England.
Ienry Earl of Northampton, Lord Privy Seal.
'harles Earl of Nottingham, Lord High Admiral of England.
'homas E. of Suffolk, Lord Chamberlain.
'ohn Lord Bishop of London.
Edward Lord Zouch.
William Lord Knolles, Treasurer of the Household.
Edward Lord Wotton, Comptroller.
John Lord Stanhope, Vice-chamberlain.
Sir Edward Coke, Knight, Lord Chief Justice of England.
Sir Henry Hobart, Knight, Lord Chief Justice of the Common-pleas.
Sir Julius Cæsar, Knight, Chancellor of the Exchequer

THIS day was heard and debated at large the everal matters of informations here exhibited by ir Francis Bacon, knight, his Majesty's attorneyeneral, the one against William Priest, gentleman, or writing and sending a letter of challenge, togeher with a stick, which should be the length of the eapon: and the other against Richard Wright, squire, for carrying and delivering the said letter nd stick unto the party challenged, and for other ontemptuous and insolent behaviour used before the ustices of the peace in Surrey at their sessions, before hom he was convented. Upon the opening of which ause, his Highness's said attorney-general did first ive his reason to the court, why, in a case which e intended should be a leading case for the repressing of so great a mischief in the commonwealth, nd concerning an offence which reigneth chiefly mongst persons of honour and quality, he should egin with a cause which had passed between so nean persons as the defendants seemed to be; which e said was done, because he found this cause ready published: and in so growing an evil, he thought ood to lose no time; whereunto he added, that it was not amiss sometimes to beat the dog before the lion; saying farther, that he thought it would be some motive for persons of high birth and countenance to leave it, when they saw it was taken up by base and mechanical fellows; but concluded, that he resolved to proceed without respect of persons for the time to come, and for the present to supply the meanness of this particular case by insisting the longer upon the general point.

Wherein he did first express unto the court at large the greatness and dangerous consequence of this presumptuous offence, which extorted revenge out of the magistrate's hands, and gave boldness to private men to be lawgivers to themselves; the rather because it is an offence that doth justify itself against the law, and plainly gives the law an affront; describing also the miserable effect which it draweth upon private families, by cutting off young men, otherwise of good hope; and chiefly the loss of the king and the commonwealth, by the casting away of much good blood, which, being spent in the field upon occasion of service, were able to continue the renown which this kingdom hath obtained in all ages of being esteemed victorious.

Secondly, his Majesty's said attorney-general did discourse touching the causes and remedies of this mischief that prevailed so in these times; showing the ground thereof to be a false and erroneous imagination of honour and credit, according to the term which was given to those duels by a former proclamation of his Majesty's, which called them bewitching duels, for that it was no better than a kind of sorcery, which enchanteth the spirits of young men, which bear great minds, with a show of honour in that which is no honour indeed: being against religion, law, moral virtue, and against the precedents and examples of the best times and valiantest nations of the world; which though they excelled for prowess and military virtue in a public quarrel, yet knew not what these private duels meant; saying farther, that there was too much way and counte-

nance given unto these duels, by the course that is held by noblemen and gentlemen in compounding of quarrels, who use to stand too punctually upon conceits of satisfactions and distinctions, what is beforehand, and what behind-hand, which do but feed the humour: adding likewise, that it was no fortitude to show valour in a quarrel, except there were a just and worthy ground of the quarrel; but that it was weakness to set a man's life at so mean a rate as to bestow it upon trifling occasions, which ought to be rather offered up and sacrificed to honourable services, public merits, good causes, and noble adventures. And as concerning the remedies, he concluded, that the only way was, that the state would declare a constant and settled resolution to master and put down this presumption in private men, of whatsoever degree, of righting their own wrongs, and this to do at once; for that then every particular man would think himself acquitted in his reputation, when that he shall see that the state takes his honour into their own hands, and standeth between him and any interest or prejudice, which he might receive in his reputation for obeying: whereunto he added likewise, that the wisest and mildest way to suppress these duels was rather to punish in this court all the acts of preparation, which did in any wise tend to the duels, as this of challenges and the like, and so to prevent the capital punishment, and to vex the root in the branches, than to suffer them to run on to the execution, and then to punish them capitally after the manner of France: where of late times gentlemen of great quality that had killed others in duel, were carried to the gibbet with their wounds bleeding, lest a natural death should keep them from the example of justice.

Thirdly, His Majesty's said attorney-general did, by many reasons which he brought and alleged, free the law of England from certain vain and childish exceptions, which are taken by these duellists: the one, because the law makes no difference in punishment between an insidious and foul murder, and the killing a man upon challenge and fair terms, as they call it. The other, for that the law hath not provided sufficient punishment and reparation for contumely of words, as the lie, and the like; wherein his Majesty's said attorney-general did show, by many weighty arguments and examples, that the law of England did consent with the law of God and the law of nations in both those points, and that this distinction in murder between foul and fair, and this grounding of mortal quarrels upon uncivil and reproachful words, or the like disgraces, was never authorized by any law or ancient examples; but it is a late vanity crept in from the practice of the French, who themselves since have been so weary of it, as they have been forced to put it down with all severity.

Fourthly, His Majesty's said attorney-general did prove unto the court by rules of law and precedents, that this court hath capacity to punish sending and accepting of challenges, though they were never acted nor executed; taking for a ground infallible, that wheresoever an offence is capital or matter of felony, if it be acted and performed, there the conspiracy, combination, or practice tending to the same offence, is punishable as a high misdemeanor, although they never were performed. And therefore, that practice to impoison, though it took no effect, and the like, have been punished in this court; and cited the precedent in Garnon's case, wherein a crime of a much inferior nature, the suborning and preparing of witnesses, though they never were deposed, or deposed nothing material, was censured in this court: whereupon he concluded, that forasmuch as every appointment of the field is in law but a combination of plotting of a murder, howsoever men might gild it; that therefore it was a case fit for the censure of this court: and therein he vouched a precedent in the very point, that in a case between Wharton plaintiff, and Ellekar and Acklam defendants; Acklam being a follower of Ellekar, had carried a challenge unto Wharton; and although it were by word of mouth, and not by writing, yet it was severely censured by the court; the decree having words that such challenges do tend to the subversion of government. And therefore his Majesty's attorney willed the standers-by to take notice that it was no innovation that he brought in, but a proceeding according to former precedents of the court, although he purposed to follow it more thoroughly than had been done ever heretofore, because the times did more and more require it. Lastly, his Majesty's said attorney-general did declare and publish to the court in several articles, his purpose and resolution in what cases he did intend to prosecute offences of that nature in this court; that is to say, that if any man shall appoint the field, although the fight be not acted or performed; if any man shall send any challenge in writing or message of challenge; if any man shall carry or deliver any writing or message of challenge; if any man shall accept or return a challenge; if any man shall accept to be a second in a challenge of either part; if any man shall depart the realm with intention and agreement to perform the fight beyond the seas; if any man shall revive a quarrel by any scandalous bruits or writings contrary to a former proclamation, published by his Majesty in that behalf; that in all these cases his Majesty's attorney-general in discharge of his duty, by the favour and assistance of his Majesty and the court, would bring the offenders, of what state or degree soever, to the justice of this court, leaving the lords commissioners martial to the more exact remedies: adding further, that he heard there were certain counsel learned of duels, that tell young men when they are beforehand, and when they are otherwise, and did incense and incite them to the duel, and made an art of it: who likewise should not be forgotten. And so concluded with two petitions, the one in particular to the lord chancellor, that in case advertisement were given of a purpose in any to go beyond the seas to fight, there might be granted his Majesty's writ of *Ne exeat regnum* against him; and the other to the lords in general, that he might be assisted and countenanced in this service.

After which opening and declaration of the general cause, his Majesty's said attorney did proceed to

et forth the proofs of this particular challenge and ffence now in hand, and brought to the judgment nd censure of this honourable court; whereupon it ppeared to this honourable court by the confession f the said defendant Priest himself, that he having eceived some wrong and disgrace at the hands of ne Hutchest, did thereupon, in revenge thereof, rite a letter to the said Hutchest, containing a hallenge to fight with him at single rapier, which etter the said Priest did deliver to the said defendnt Wright, together with a stick containing the ength of the rapier, wherewith the said Priest neant to perform the fight. Whereupon the said Vright did deliver the said letter to the said Hutchest, and did read the same unto him; and after he reading thereof, did also deliver to the said Hutchest the said stick, saying, that the same was he length of the weapon mentioned in the said etter. But the said Hutchest, dutifully respecting he preservation of his Majesty's peace, did refuse he said challenge, whereby no farther mischief did nsue thereupon.

This honourable court, and all the honourable preence this day sitting, upon grave and mature deliberation, pondering the quality of these offences, they enerally approved the speech and observations of is Majesty's said attorney-general, and highly commended his great care and good service in bringing cause of this nature to public punishment and exmple, and in professing a constant purpose to go n in the like course with others: letting him know, hat he might expect from the court all concurrence nd assistance in so good a work. And thereupon he court did by their several opinions and sentences eclare how much it imported the peace and prosperous estate of his Majesty and his kingdom to nip his practice and offence of duels in the head, which ow did overspread and grow universal, even among nean persons, and was not only entertained in practice and custom, but was framed into a kind of art nd precepts: so that, according to the saying of he Scripture, *mischief is imagined like a law.* And he court with one consent did declare their opinions: That by the ancient law of the land, all ceptions, preparations, and combinations to execute nlawful acts, though they never be performed, as hey be not to be punished capitally, except it be in ase of treason, and some other particular cases of tatute law; so yet they are punishable as misdemeanors and contempts: and that this court was roper for offences of such nature; especially in his case, where the bravery and insolency of the imes are such as the ordinary magistrates and justices that are trusted with the preservation of the peace, are not able to master and repress those offences, which were by the court at large set forth, o be not only against the law of God, to whom, and his substitutes, all revenge belongeth, as part of his prerogative, but also against the oath and duty of every subject unto his Majesty, for that the subject loth swear unto him by the ancient law allegiance of life and member; whereby it is plainly inferred, that the subject hath no disposing power over himself of life and member to be spent or ventured according to his own passions and fancies, insomuch as the very practice of chivalry in justs and tournays, which are but images of martial actions, appear by ancient precedents not to be lawful without the king's licence obtained. The court also noted, that these private duels or combats were of another nature from the combats which have been allowed by the law, as well of this land as of other nations, for the trial of rights or appeals. For that those combats receive direction and authority from the law; whereas these contrariwise spring only from the unbridled humours of private men. And as for the pretence of honour, the court much misliking the confusion of degrees which is grown of late, every man assuming unto himself the term and attribute of honour, did utterly reject and condemn the opinion that the private duel, in any person whatsoever, had any grounds of honour; as well because nothing can be honourable that is not lawful, and that it is no magnanimity or greatness of mind, but a swelling and tumour of the mind, where there faileth a right and sound judgment; as also for that it was rather justly to be esteemed a weakness, and a conscience of small value in a man's self, to be dejected so with a word or trifling disgrace, as to think there is no re-cure of it, but by the hazard of life: whereas true honour in persons that know their own worth, is not of any such brittle substance, but of a more strong composition. And finally, the court showing a firm and settled resolution to proceed with all severity against these duels, gave warning to all young noblemen and gentlemen, that they should not expect the like connivance or toleration as formerly have been, but that justice should have a full passage without protection or interruption. Adding, that after a strait inhibition, whosoever should attempt a challenge or combat, in case where the other party was restrained to answer him, as now all good subjects are, did by their own principles receive the dishonour and disgrace upon himself.

And for the present cause, the court hath ordered, adjudged, and decreed, that the said William Priest and Richard Wright be committed to the prison of the Fleet, and the said Priest to pay five hundred pounds, and the said Wright five hundred marks, for their several fines to his Majesty's use. And to the end, that some more public example may be made hereof amongst his Majesty's people, the court hath further ordered and decreed, that the said Priest and Wright shall at the next assizes, to be holden in the county of Surrey, publicly, in face of the court, the judges sitting, acknowledge their high contempt and offence against God, his Majesty, and his laws, and show themselves penitent for the same.

Moreover, the wisdom of this high and honourable court thought it meet and necessary, that all sorts of his Majesty's subjects should understand and take notice of that which hath been said and handled this day touching this matter, as well by his Highness's attorney-general, as by the lords judges, touching the law in such cases. And therefore the court hath enjoined Mr. Attorney to have special care to the penning of this decree, for the setting

forth in the same summarily the matters and reasons, which have been opened and delivered by the court touching the same; and nevertheless also at some time convenient to publish the particulars of his speech and declaration, as very meet and worthy to be remembered and made known unto the world, as these times are. And this decree, being in such sort carefully drawn and penned, the whole court thought it meet, and so have ordered and decreed, that the same be not only read and published at the next assizes for Surrey, at such time as the said Priest and Wright are to acknowledge their offences as aforesaid; but that the same be likewise published and made known in all shires of this kingdom. And to that end the justices of assize are required by this honourable court to cause this decree to be solemnly read and published in all the places and sittings of their several circuits, and in the greatest assembly; to the end, that all his Majesty's subjects may take knowledge and understand the opinion of this honourable court in this case, and in what measure his Majesty and this honourable court purposeth to punish such as shall fall into the like contempt and offences hereafter. Lastly, this honourable court much approving that which the right honourable Sir Edward Coke, knight, lord chief justice of England, did now deliver touching the law in this case of duels, hath enjoined his lordship to report the same in print, as he hath formerly done divers other cases, that such as understand not the law in that behalf, and all others, may better direct themselves, and prevent the danger thereof hereafter.

THE CHARGE

OF SIR FRANCIS BACON, KNIGHT

THE KING'S ATTORNEY-GENERAL,

AGAINST WILLIAM TALBOT,

A COUNSELLOR AT LAW, OF IRELAND,

UPON AN INFORMATION IN THE STAR-CHAMBER "ORE TENUS," FOR A WRITING UNDER HIS HAND, WHEREBY THE SAID WILLIAM TALBOT BEING DEMANDED, WHETHER THE DOCTRINE OF SUAREZ, TOUCHING DEPOSING AND KILLING OF KINGS EXCOMMUNICATED, WERE TRUE OR NO? HE ANSWERED, THAT HE REFERRED HIMSELF UNTO THAT WHICH THE CATHOLIC ROMAN CHURCH SHOULD DETERMINE THEREOF.

ULTIMO DIE TERMINI HILARII, UNDECIMO JACOBI REGIS.

My lords,

I brought before you the first sitting of this term the cause of duels; but now this last sitting I shall bring before you a cause concerning the greatest duel which is in the christian world, the duel and conflict between the lawful authority of sovereign kings, which is God's ordinance for the comfort of human society, and the swelling pride and usurpation of the see of Rome, *in temporalibus*, tending altogether to anarchy and confusion. Wherein if this pretence in the pope of Rome, by cartels to make sovereign princes as the banditti, and to proscribe their lives, and to expose their kingdoms to prey; if these pretences, I say, and all persons that submit themselves to that part of the pope's power in the least degree, be not by all possible severity repressed and punished, the state of christian kings will be no other than the ancient torment described by the poets in the hell of the heathen; a man sitting richly robed, solemnly attended, delicious fare, &c. with a sword hanging over his head, hanging by a small thread, ready every moment to be cut down by an accursing and accursed hand. Surely I had thought they had been the prerogatives of God alone, and of his secret judgments: "Solvam cingula regum," "I will loosen the girdles of kings;" or again, "He poureth contempt upon princes;" or, "I will give a king in my wrath, and take him away again in my displeasure;" and the like: but if these be the claims of a mortal man, certainly they are but the mysteries of that person which "exalts himself above all that is called God," "supra omne quod dicitur Deus." Note it well, not above God, though that in a sense be true, but "above all that is called God;" that is, lawful kings and magistrates.

But, my lords, in this duel I find this Talbot, that is now before you, but a coward; for he hath given ground, he hath gone backward and forward; but in such a fashion, and with such interchange of repenting and relapsing, as I cannot tell whether it doth extenuate or aggravate his offence. If he shall more publicly in the face of the court fall and settle upon a right mind, I shall be glad of it; and he

that would be against the king's mercy, I would he might need the king's mercy: but nevertheless the court will proceed by rules of justice.

The offence therefore wherewith I charge this Talbot, prisoner at the bar, is this in brief and in effect: That he hath maintained, and maintaineth under his hand, a power in the pope for deposing and murdering of kings. In what sort he doth this, when I come to the proper and particular charge, I will deliver it in his own words without pressing or straining.

But before I come to the particular charge of this man, I cannot proceed so coldly; but I must express unto your lordships the extreme and imminent danger wherein our dear and dread sovereign is, and in him we all; nay, all princes of both religions, for it is a common cause, do stand at this day, by the spreading and enforcing of this furious and pernicious opinion of the pope's temporal power: which though the modest sort would blanch with the distinction of "in ordine ad spiritualia," yet that is but an elusion; for he that maketh the distinction, will also make the case. This peril, though it be in itself notorious, yet because there is a kind of dulness, and almost a lethargy in this age, give me leave to set before you two glasses, such as certainly the like never met in one age; the glass of France, and the glass of England. In that of France the tragedies acted and executed in two immediate kings; in the glass of England, the same, or more horrible, attempted likewise in a queen and king immediate, but ending in a happy deliverance. In France, Henry III. in the face of his army, before the walls of Paris, stabbed by a wretched Jacobine friar. Henry IV. a prince that the French do surname the Great, one that had been a saviour and redeemer of his country from infinite calamities, and a restorer of that monarchy to the ancient state and splendour, and a prince almost heroical, except it be in the point of revolt from religion, at a time when he was as it were to mount on horseback for the commanding of the greatest forces that of long time had been levied in France, this king likewise stillettoed by a rascal votary, which had been enchanted and conjured for the purpose.

In England, queen Elizabeth, of blessed memory, a queen comparable and to be ranked with the greatest kings, oftentimes attempted by like votaries, Sommervile, Parry, Savage, and others, but still protected by the Watchman that slumbereth not. Again, our excellent sovereign king James, the sweetness and clemency of whose nature were enough to quench and mortify all malignity, and a king shielded and supported by posterity; yet this king in the chair of Majesty, his vine and olive branches about him, attended by his nobles and third estate in parliament; ready in the twinkling of an eye, as if it had been a particular dooms-day, to have been brought to ashes, dispersed to the four winds. I noted the last day, my lord chief justice, when he spake of this powder treason, he laboured for words; though they came from him with great efficacy, yet he truly confessed, and so must all men, that that treason is above the charge and report of any words whatsoever.

Now, my lords, I cannot let pass, but in these glasses which I spake of, besides the facts themselve and danger, to show you two things; the one the ways of God Almighty, which turneth the sword of Rome upon the kings that are the vassals of Rome, and over them gives it power; but protecteth those kings which have not accepted the yoke of his tyranny, from the effects of his malice: the other, that, as I said at first, this is a common cause of princes; it involveth kings of both religions; and therefore his Majesty did most worthily and prudently ring out the alarm-bell, to awake all other princes to think of it seriously, and in time. But this is a miserable case the while, that these Roman soldiers do either thrust the spear into the sides of God's anointed, or at least they crown them with thorns; that is, piercing and pricking cares and fears, that they can never be quiet or secure of their lives or states. And as this peril is common to princes of both religions, so princes of both religions have been likewise equally sensible of every injury that touched their temporals.

Thuanus reports in his story, that when the realm of France was interdicted by the violent proceedings of Pope Julius the second, the king, otherwise noted for a moderate prince, caused coins of gold to be stamped with his own image, and this superscription, "Perdam nomen Babylonis e terra." Of which Thuanus saith, himself had seen divers pieces thereof. So as this catholic king was so much incensed at that time, in respect of the pope's usurpation, as he did apply Babylon to Rome. Charles the fifth emperor, who was accounted one of the pope's best sons, yet proceeded in matter temporal towards pope Clement with strange rigour: never regarding the pontificality, but kept him prisoner thirteen months in a pestilent prison; and was hardly dissuaded by his council from having sent him captive into Spain; and made sport with the threats of Frosberg the German, who wore a silk rope under his cassock, which he would show in all companies; telling them that he carried it to strangle the pope with his own hands. As for Philip the fair, it is the ordinary example, how he brought pope Boniface the eighth to an ignominious end, dying mad and enraged; and how he styled his rescript to the pope's bull, whereby he challenged his temporals, "Sciat fatuitas vestra," not your beatitude, but your stultitude; a style worthy to be continued in the like cases; for certainly that claim is mere folly and fury. As for native examples, here it is too long a field to enter into them. Never kings of any nation kept the partition-wall between temporal and spiritual better in times of greatest superstition: I report me to king Edward I. that set up so many crosses, and yet crossed that part of the pope's jurisdiction, no man more strongly. But these things have passed better pens and speeches: here I end them.

But now to come to the particular charge of this man, I must inform your lordships the occasion and nature of this offence: There hath been published lately to the world a work of Suarez, a Portuguese, a Professor in the university of Coimbra, a confident and daring writer, such a one as Tully describes in

derision; "nihil tam verens, quam ne dubitare aliqua de re videretur:" one that fears nothing but this, lest he should seem to doubt of any thing. A fellow that thinks with his magistrality and goose-quill to give laws and menages to crowns and sceptres. In this man's writing, this doctrine of deposing or murdering kings seems to come to a higher elevation than heretofore; and it is more arted and positived than in others. For in the passages which your lordships shall hear read anon, I find three assertions which run not in the vulgar track, but are such as wherewith men's ears, as I suppose, are not much acquainted; whereof the first is, That the pope hath a superiority over kings, as subjects, to depose them; not only for spiritual crimes, as heresy and schism, but for faults of a temporal nature; forasmuch as a tyrannical government tendeth ever to the destruction of souls. So by this position, kings of either religion are alike comprehended, and none exempted. The second, that after a sentence given by the pope, this writer hath defined of a series, or succession, or substitution of hangmen, or *bourreaux*, to be sure, lest an executioner should fail. For he saith, That when a king is sentenced by the pope to deprivation or death, the executioner, who is first in place, is he to whom the pope shall commit the authority, which may be a foreign prince, it may be a particular subject, it may be general to the first undertaker. But if there be no direction or assignation in the sentence special nor general, then, *de jure*, it appertains to the next successor, a natural and pious opinion; for commonly they are sons, or brothers, or near of kin, all is one: so as the successor be apparent; and also that he be a catholic. But if he be doubtful, or that he be no catholic, then it devolves to the commonalty of the kingdom; so as he will be sure to have it done by one minister or other. The third is, he distinguisheth of two kinds of tyrants, a tyrant in title, and a tyrant in regiment: the tyrant in regiment cannot be resisted or killed without a sentence precedent by the pope; but a tyrant in title may be killed by any private man whatsoever. By which doctrine he hath put the judgment of king's titles, which I will undertake are never so clean but that some vain quarrel or exception may be made unto them, upon the fancy of every private man; and also couples the judgment and execution together, that he may judge him by a blow, without any other sentence.

Your lordships see what monstrous opinions these are, and how both these beasts, the beast with seven heads, and the beast with many heads, pope and people, are at once let in, and set upon the sacred persons of kings.

Now to go on with the narrative; there was an extract made of certain sentences and portions of this book, being of this nature that I have set forth, by a great prelate and counsellor, upon a just occasion; and there being some hollowness and hesitation in these matters, wherein it is a thing impious to doubt, discovered and perceived in Talbot; he was asked his opinion concerning these assertions, in the presence of the best; and afterwards they were delivered to him, that upon advice, and *sedato animo*, he might declare himself. Whereupon, under his hand, he subscribes thus;

May it please your honourable good lordships: Concerning this doctrine of Suarez, I do not perceive, by what I have read in this book, that the same doth concern matter of faith, the controversy growing upon exposition of Scriptures and councils, wherein being ignorant and not studied, I cannot take upon me to judge; but I do submit my opinion therein to the judgment of the catholic Roman church, as in all other points concerning faith I do. And for matter concerning my loyalty, I do acknowledge my sovereign liege Lord King James, to be lawful and undoubted King of all the kingdoms of England, Scotland, and Ireland; and I will bear true faith and allegiance to his Highness during my life.

WILLIAM TALBOT.

My lords, upon these words I conceive Talbot hath committed a great offence, and such a one, as if he had entered into a voluntary and malicious publication of the like writing, it would have been too great an offence for the capacity of this court. But because it grew by a question asked by a council of estate, and so rather seemeth, in a favourable construction, to proceed from a kind of submission to answer, than from any malicious or insolent will; it was fit, according to the clemency of these times, to proceed in this manner before your lordships: and yet let the hearers take these things right; for certainly, if a man be required by the council to deliver his opinion whether king James be king or no? and he deliver his opinion that he is not, this is high treason: but I do not say that these words amount to that; and therefore let me open them truly to your lordships, and therein open also the understanding of the offender himself, how far they reach.

My lords, a man's allegiance must be independent and certain, and not dependent and conditional. Elizabeth Barton that was called the holy maid of Kent, affirmed, that if king Henry VIII. did not take Catharine of Spain again to his wife within a twelvemonth, he should be no king: and this was treason. For though this act be contingent and future, yet the preparing of the treason is present.

And in like manner, if a man should voluntarily publish or maintain, that whensoever a bull of deprivation shall come forth against the king, that from thenceforth he is no longer king; this is of like nature. But with this I do not charge you neither; but this is the true latitude of your words, That if the doctrine touching the killing of kings be matter of faith, then you submit yourself to the judgment of the catholic Roman church: so as now, to do you right, your allegiance doth not depend simply upon a sentence of the pope's deprivation against the king; but upon another point also, if these doctrines be already, or shall be declared to be matter of faith. But, my lords, there is little won in this: there may be some difference to the guilt of the party, but there is little to the danger of the king. For the same pope of Rome may, with the same breath, declare both. So as still, upon the matter, the king is made

but tenant at will of his life and kingdoms; and the allegiance of his subjects is pinned upon the pope's acts. And certainly, it is time to stop the current of this opinion of acknowledgment of the pope's power *in temporalibus;* or else it will sap and supplant the seat of kings. And let it not be mistaken, that Mr. Talbot's offence should be no more than the refusing the oath of allegiance. For it is one thing to be silent, and another thing to affirm. As for the point of matter of faith, or not of faith, to tell your lordships plain, it would astonish a man to see the gulf of this implied belief. Is nothing excepted from it? If a man should ask Mr. Talbot, Whether he do condemn murder, or adultery, or rape, or the doctrine of Mahomet, or of Arius, instead of Suares? Must the answer be with this exception, that if the question concern matter of faith, as no question it doth, for the moral law is matter of faith, that therein he will submit himself to what the church shall determine? And, no doubt, the murder of princes is more than simple murder. But to conclude, Talbot, I will do you this right, and I will not be reserved in this, but to declare that that is true; that you came afterwards to a better mind; wherein if you had been constant, the king, out of his great goodness, was resolved not to have proceeded with you in course of justice; but then again you started aside like a broken bow. So that by your variety and vacillation you lost the acceptable time of the first grace, which was not to have convented you.

Nay, I will go farther with you: your last submission I conceive to be satisfactory and complete; but then it was too late, the king's honour was upon it; it was published, and a day appointed for hearing; yet what preparation that may be to the second grace of pardon, that I know not: but I know my lords, out of their accustomed favour, will admit you not only to your defence concerning that that hath been charged, but to extenuate your fault by any submission that now God shall put into your mind to make.

A CHARGE GIVEN

BY SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S ATTORNEY GENERAL,

AGAINST

MR. OLIVER SAINT JOHN,

FOR SCANDALIZING AND TRADUCING IN THE PUBLIC SESSIONS, LETTERS SENT FROM THE LORDS OF THE COUNCIL TOUCHING THE BENEVOLENCE.

My lords,

I shall inform you *ore tenus*, against this gentleman Mr. I. S. a gentleman, as it seems, of an ancient house and name; but for the present, I can think of him by no other name, than the name of a great offender. The nature and quality of his offence in sum is this: This gentleman hath upon advice, not suddenly by his pen, nor by the slip of his tongue; not privately, or in a corner, but publicly, as it were, to the face of the king's ministers and justices, slandered and traduced the king our sovereign, the law of the land, the parliament, and infinite particulars of his Majesty's worthy and loving subjects. Nay, the slander is of that nature, that it may seem to interest the people in grief and discontent against the state; whence might have ensued matter of murmur and sedition. So that it is not a simple slander, but a seditious slander, like to that the poet speaketh of—"Calamosque armare veneno:" A venomous dart that hath both iron and poison.

To open to your lordships the true state of this offence, I will set before you, first, the occasion whereupon Mr. I. S. wrought: then the offence itself in his own words: and lastly, the points of his charge.

My lords, you may remember that there was the last parliament an expectation to have had the king supplied with treasure, although the event failed. Herein it is not fit for me to give opinion of a house of parliament, but I will give testimony of truth in all places. I served in the lower house, and I observed somewhat. This I do affirm, that I never could perceive but that there was in that house a general disposition to give, and give largely. The clocks in the house perchance might differ; some went too fast, some went too slow; but the disposition to give was general: so that I think I may truly say, "solo tempore lapsus amor."

This accident happening thus besides expectation, it stirred up and awaked in divers of his Majesty's worthy servants and subjects of the clergy, the nobi-

lity, the court, and others here near at hand, an affection loving and cheerful, to present the king some with plate, some with money, as free-will offerings, a thing that God Almighty loves, a cheerful giver: what an evil eye doth I know not. And, my lords, let me speak it plainly unto you: God forbid any body should be so wretched as to think that the obligation of love and duty, from the subject to the king, should be joint and not several. No, my lords, it is both. The subject petitioneth to the king in parliament. He petitioneth likewise out of parliament. The king on the other side gives graces to the subject in parliament: he gives them likewise, and poureth them upon his people out of parliament: and so no doubt the subject may give to the king in parliament, and out of parliament. It is true the parliament is *intercursus magnus*, the great intercourse and main current of graces and donatives from the king to the people, from the people to the king: but parliaments are held but at certain times: whereas the passages are always open for particulars; even as you see great rivers have their tides, but particular springs and fountains run continually.

To proceed therefore: As the occasion, which was the failing of supply by parliament, did awake the love and benevolence of those that were at hand to give; so it was apprehended and thought fit by my lords of the council to make a proof whether the occasion and example both, would not awake those in the country of the better sort to follow. Whereupon, their lordships devised and directed letters unto the sheriffs and justices, which declared what was done here above, and wished that the country might be moved, especially men of value.

Now, my lords, I beseech you give me favour and attention to set forth and observe unto you five points: I will number them, because other men may note them; and I will but touch them, because they shall not be drowned or lost in discourse, which I hold worthy the observation, for the honour of the state and confusion of slanderers; whereby it will appear most evidently what care was taken, that that which was then done might not have the effect, no nor the show, no nor so much as the shadow of a tax; and that it was so far from breeding or bringing in any ill precedent or example, as contrariwise it is a corrective that doth correct and allay the harshness and danger of former examples.

The first is, that what was done was done immediately after such a parliament, as made general profession to give, and was interrupted by accident: so as you may truly and justly esteem it, "tanquam posthuma proles parliamenti," as an after-child of the parliament, and in pursuit, in some small measure, of the firm intent of a parliament past. You may take it also, if you will, as an advance or provisional help until a future parliament; or as a gratification simply without any relation to a parliament; you can no ways take it amiss.

The second is, that it wrought upon example, as a thing not devised, or projected, or required; no nor so much as recommended, until many that were never moved nor dealt with, *ex mero motu*, had freely and frankly sent in their presents. So that the letters were rather like letters of news, what was done at London, than otherwise: and we know "exempla ducunt, non trahunt;" examples they do but lead, they do not draw nor drive.

The third is, that it was not done by commission under the great seal; a thing warranted by a multitude of precedents, both ancient, and of late time, as you shall hear anon, and no doubt warranted by law: so that the commissions be of that style and tenour, as they be to move that and not to levy: but this was done by letters of the council, and no higher hand or form.

The fourth is, that these letters had no manner of show of any binding act of state: for they contain not any special frame or direction how the business should be managed; but were written as upon trust, leaving the matter wholly to the industry and confidence of those in the country: so that it was an *absque computo*; such a form of letters as no man could fitly be called to account upon.

The fifth and last point is, that the whole carriage of the business had no circumstance compulsory. There was no proportion or rate set down, not so much as by way of a wish; there was no menace of any that should deny; no reproof of any that did deny; no certifying of the names of any that had denied. Indeed, if men could not content themselves to deny, but that they must censure and inveigh, nor to excuse themselves, but they must accuse the state, that is another case. But I say, for denying, no man was apprehended, no nor noted. So that I verily think, that there is none so subtle a disputer in the controversy of *liberum arbitrium*, that can with all his distinctions fasten or carp upon the act, but that there was free-will in it.

I conclude therefore, my lords, that this was a true and pure benevolence; not an imposition called a benevolence, which the statute speaks of; as you shall hear by one of my fellows. There is a great difference, I tell you, though Pilate would not see it, between "Rex Judæorum" and "se dicens Regem Judæorum." And there is a great difference between a benevolence and an exaction called a benevolence, which the duke of Buckingham speaks of in his oration to the city; and defineth it to be not what the subject of his good-will would give, but what the king of his good-will would take. But this, I say, was a benevolence wherein every man had a prince's prerogative, a negative voice; and this word *excusez moy*, was a plea peremptory. And therefore I do wonder how Mr. I. S. could foul or trouble so clear a fountain, certainly it was but his own bitterness and unsound humours.

Now to the particular charge: Amongst other counties, these letters of the lords came to the justices of D—shire, who signified the contents thereof, and gave directions and appointments for meetings concerning the business, to several towns and places within that county: and amongst the rest, notice was given unto the town of A. The mayor of A conceiving that this Mr. I. S. being a principal person, and a dweller in that town, was a man likely to give both money and good example, dealt with him to

know his mind: he intending, as it seems, to play prizes, would give no answer to the mayor in private, but would take time. The next day then being an appointment of the justices to meet, he takes occasion, or pretends occasion to be absent, because he would bring his papers upon the stage: and thereupon takes pen in hand, and instead of excusing himself, sits down and contriveth a seditious and libellous accusation against the king and state, which your lordships shall now hear, and sends it to the mayor: and withal, because the feather of his quill might fly abroad, he gives authority to the mayor to impart it to the justices, if he so thought good. And now, my lords, because I will not mistake or mis-repeat, you shall hear the seditious libel in the proper terms and words thereof.

[Here the papers were read.]

My lords, I know this paper offends your ears much, and the ears of any good subject; and sorry I am that the times should produce offences of this nature: but since they do, I would be more sorry they should be passed without severe punishment: "Non tradite factum," as the verse says, altered a little, "aut si tradatis, facti quoque tradite pœnam." If any man have a mind to discourse of the fact, let him likewise discourse of the punishment of the fact.

In this writing, my lords, there appears a monster with four heads, of the progeny of him that is the father of lies, and takes his name from slander.

The first is a wicked and seditious slander; or, if I shall use the Scripture phrase, a blaspheming of the king himself; setting him forth for a prince perjured in the great and solemn oath of his coronation, which is as it were the knot of the diadem; a prince that should be a violator and infringer of the liberties, laws, and customs of the kingdom; a mark for a Henry the fourth; a match for a Richard the second.

The second is a slander and falsification, and wresting of the law of the land gross and palpable: it is truly said by a civilian, "Tortura legum pessima," the torture of laws is worse than the torture of men.

The third is a slander and false charge of the parliament, that they had denied to give to the king: a point of notorious untruth.

And the last is a slander and taunting of an infinite number of the king's loving subjects, that have given towards this benevolence and free contribution; charging them as accessary and co-adjutors to the king's perjury. Nay, you leave us not there, but you take upon you a pontifical habit, and couple your slander with a curse; but thanks be to God, we have learned sufficiently out of the Scripture, that "as the bird flies away, so the causeless curse shall not come."

For the first of these, which concerns the king, I have taken to myself the opening and aggravation thereof; the other three I have distributed to my fellows.

My lords, I cannot but enter into this part with some wonder and astonishment, how it should come into the heart of a subject of England to vapour forth such a wicked and venomous slander against the king, whose goodness and grace is comparable, if not incomparable, unto any of the kings his progenitors. This therefore gives me a just and necessary occasion to do two things: the one, to make some representation of his Majesty; such as truly he is found to be in his government, which Mr. I. S. chargeth with violation of laws and liberties: the other, to search and open the depth of Mr. I. S. his offence. Both which I will do briefly; because the one, I cannot express sufficiently; and the other, I will not press too far.

My lords, I mean to make no panegyric or laudative; the king delights not in it, neither am I fit for it: but if it were but a counsellor or nobleman, whose name had suffered, and were to receive some kind of reparation in this high court, I would do him that duty as not to pass his merits and just attributes, especially such as are limited with the present case, in silence: for it is fit to burn incense where evil odours have been cast and raised. Is it so that king James shall be said to be a violator of the liberties, laws, and customs of his kingdoms? Or is he not rather a noble and constant protector and conservator of them all? I conceive this consisteth in maintaining religion and the true church; in maintaining the laws of the kingdom, which is the subject's birthright; in temperate use of the prerogative; in due and free administration of justice, and conservation of the peace of the land.

For religion, we must ever acknowledge, in the first place, that we have a king that is the principal conservator of true religion through the christian world. He hath maintained it not only with sceptre and sword, but likewise by his pen; wherein also he is potent.

He hath awaked and re-authorized the whole party of the reformed religion throughout Europe; which through the insolency and divers artifices and enchantments of the adverse part, was grown a little dull and dejected: he hath summoned the fraternity of kings to enfranchise themselves from the usurpation of the see of Rome: he hath made himself a mark of contradiction for it.

Neither can I omit, when I speak of religion, to remember that excellent act of his Majesty, which though it were done in a foreign country, yet the church of God is one, and the contagion of these things will soon pass seas and lands: I mean, in his constant and holy proceeding against the heretic Vorstius, whom, being ready to enter into the chair, and there to have authorized one of the most pestilent and heathenish heresies that ever was begun, his Majesty by his constant opposition dismounted and pulled down. And I am persuaded there sits in this court one whom God doth the rather bless for being his Majesty's instrument in that service.

I cannot remember religion and the church, but I must think of the seed-plots of the same, which are the universities. His Majesty, as for learning amongst kings, he is incomparable in his person; so likewise hath he been in his government a benign or benevolent planet towards learning: by whose influence those nurseries and gardens of learning,

the universities, were never more in flower nor fruit.

For the maintaining of the laws, which is the hedge and fence about the liberty of the subject, I may truly affirm it was never in better repair. He doth concur with the votes of the nobles; "Nolumus leges Angliæ mutare." He is an enemy of innovation. Neither doth the universality of his own knowledge carry him to neglect or pass over the very forms of the laws of the land. Neither was there ever king, I am persuaded, that did consult so oft with his judges, as my lords that sit here know well. The judges are a kind of council of the king's by oath and ancient institution; but he useth them so indeed: he confers regularly with them upon their returns from their visitations and circuits: he gives them liberty, both to inform him, and to debate matters with him; and in the fall and conclusion commonly relies on their opinions.

As for the use of the prerogative, it runs within the ancient channels and banks: some things that were conceived to be in some proclamations, commissions, and patents, as overflows, have been by his wisdom and care reduced; whereby, no doubt, the main channel of his prerogative is so much the stronger. For evermore overflows do hurt the channel.

As for administration of justice between party and party, I pray observe these points. There is no news of great seal or signet that flies abroad for countenance or delay of causes; protections rarely granted, and only upon great ground, or by consent. My lords here of the council and the king himself meddle not, as hath been used in former times, with matters of *meum* and *tuum*, except they have apparent mixture with matters of estate, but leave them to the king's courts of law or equity. And for mercy and grace, without which there is no standing before justice, we see, the king now hath reigned twelve years in his white robe, without almost any aspersion of the crimson dye of blood. There sits my lord Hobart, that served attorney seven years. I served with him. We were so happy, as there passed not through our hands any one arraignment for treason; and but one for any capital offence, which was that of the lord Sanquhar; the noblest piece of justice, one of them, that ever came forth in any king's time.

As for penal laws, which lie as snares upon the subjects, and which were as a *nemo scit* to king Henry VII.; it yields a revenue that will scarce pay for the parchment of the king's records at Westminster.

And lastly for peace, we see manifestly his Majesty bears some resemblance of that great name, "a Prince of Peace:" he hath preserved his subjects during his reign in peace, both within and without. For the peace with states abroad, we have it *usque ad satietatem:* and for peace in the lawyers' phrase, which count trespasses, and forces, and riots, to be *contra pacem;* let me give your lordships this token or taste, that this court, where they should appear, had never less to do. And certainly there is no better sign of *omnia bene*, than when this court is in a still.

But, my lords, this is a sea of matter: and therefore I must give it over, and conclude, that there was never king reigned in this nation that did better keep covenant in preserving the liberties and procuring the good of his people: so that I must needs say for the subjects of England,

"O fortunatos nimium sua si bona norint;"

as no doubt they do both know and acknowledge it; whatsoever a few turbulent discourses may, through the lenity of the time, take boldness to speak.

And as for this particular, touching the benevolence, wherein Mr. I. S. doth assign his breach of covenant, I leave it to others to tell you what the king may do, or what other kings have done; but I have told you what our king and my lords have done: which, I say again, is so far from introducing a new precedent, as it doth rather correct, and mollify, and qualify former precedents.

Now, Mr. I. S. let me tell you your fault in few words: for that I am persuaded you see it already, though I woo no man's repentance; but I shall, as much as in me is, cherish it where I find it. Your offence hath three parts knit together:

Your slander,
Your menace, and
Your comparison.

For your slander, it is no less than that the king is perjured in his coronation oath. No greater offence than perjury; no greater oath than that of a coronation. I leave it; it is too great to aggravate.

Your menace, that if there were a Bullingbroke, or I cannot tell what, there were matter for him, is a very seditious passage. You know well, that howsoever Henry the fourth's act, by a secret providence of God, prevailed, yet it was but an usurpation; and if it were possible for such a one to be this day, wherewith it seems your dreams are troubled, I do not doubt, his end would be upon the block; and that he would sooner have the ravens sit upon his head at London bridge, than the crown at Westminster. And it is not your interlacing of your "God forbid," that will salve these seditious speeches: neither could it be a forewarning, because the matter was past and not revocable, but a very stirring up and incensing of the people. If I should say to you, for example, "If these times were like some former times, of king Henry VIII. or some other times, which God forbid, Mr. I. S. it would cost you your life;" I am sure you would not think this to be a gentle warning, but rather that I incensed the court against you.

And for your comparison with Richard II. I see, you follow the example of them that brought him upon the stage, and into print, in queen Elizabeth's time, a most prudent and admirable queen. But let me entreat you, that when you will speak of queen Elizabeth or king James, you would compare them to king Henry VII. or king Edward I. or some other parallels to which they are alike. And this I would wish both you and all to take heed of, how you speak seditious matter in parables, or by tropes or examples. There is a thing in an indictment called

an innuendo; you must beware how you beckon or make signs upon the king in a dangerous sense: but I will contain myself and press this no farther. I may hold you for turbulent or presumptuous; but I hope you are not disloyal: you are graciously and mercifully dealt with. And therefore having now opened to my lords, and, as I think to your own heart and conscience, the principal part of your offence, which concerns the king, I leave the rest, which concerns the law, parliament, and the subjects that have given, to Mr. Serjeant and Mr. Solicitor.

THE CHARGE OF OWEN,

INDICTED OF HIGH TREASON, IN THE KING'S BENCH,

BY SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S ATTORNEY-GENERAL.

The treason wherewith this man standeth charged, is for the kind and nature of it ancient, as ancient as there is any law of England; but in the particular, late and upstart: and again, in the manner and boldness of the present case, new and almost unheard of till this man. Of what mind he is now, I know not; but I take him as he was, and as he standeth charged. For high treason is not written in ice; that when the body relenteth, the impression should go away.

In this cause the evidence itself will spend little time: time therefore will be best spent in opening fully the nature of this treason, with the circumstances thereof; because the example is more than the man. I think good therefore by way of inducement and declaration in this cause to open unto the court, jury, and hearers, five things.

The first is, the clemency of the king; because it is news, and a kind of rarity, to have a proceeding in this place upon treason: and perhaps it may be marvelled by some, why after so long an intermission it should light upon this fellow; being a person but contemptible, a kind of venomous fly, and a hang-by of the seminaries.

The second is, the nature of this treason, as concerning the fact, which, of all kinds of compassing the king's death, I hold to be the most perilous, and as much differing from other conspiracies, as the lifting up of a thousand hands against the king, like the giant Briareus, differs from lifting up one or a few hands.

The third point that I will speak unto is, the doctrine or opinion, which is the ground of this treason; wherein I will not argue or speak like a divine or scholar, but as a man bred in a civil life; and to speak plainly, I hold the opinion to be such that deserveth rather detestation than contestation.

The fourth point is, the degree of this man's offence, which is more presumptuous than I have known any other to have fallen into in this kind, and hath a greater overflow of malice and treason.

And fifthly, I will remove somewhat that may seem to qualify and extenuate this man's offence; in that he hath not affirmed simply that it is lawful to kill the king, but conditionally; that if the king be excommunicate, it is lawful to kill him: which maketh little difference either in law or peril.

For the king's clemency, I have said it of late upon a good occasion, and I still speak it with comfort: I have now served his Majesty's solicitor and attorney eight years and better; yet this is the first time that ever I gave in evidence against a traitor at this bar or any other. There hath not wanted matter in that party of the subjects whence this kind of offence floweth, to irritate the king: he hath been irritated by the powder of treason, which might have turned judgment into fury. He hath been irritated by wicked and monstrous libels; irritated by a general insolency and presumption in the papists throughout the land; and yet I see his Majesty keepeth Cæsar's rule: "Nil malo, quam eos esse similes sui, et mei." He leaveth them to be like themselves; and he remaineth like himself, and striveth to overcome evil with goodness. A strange thing, bloody opinions, bloody doctrines, bloody examples, and yet the government still unstained with blood. As for this Owen that is brought in question, though his person be in his condition contemptible; yet we see by miserable examples, that these wretches which are but the scum of the earth, have been able to stir earthquakes by murdering princes; and if it were in case of contagion, as this is a contagion of the heart and soul, a rascal may bring in a plague into the city as well as a great man: so it is not the person, but the matter that is to be considered.

For the treason itself, which is the second point, my desire is to open it in the depth thereof, if it were possible; but it is bottomless: I said in the beginning, that this treason in the nature of it was old. It is not of the treasons whereof it may be said, from the beginning it was not so. You are indicted, Owen, not upon any statute made against the pope's supremacy, or other matters, that have

reference to religion; but merely upon that law which was born with the kingdom, and was law even in superstitious times, when the pope was received. The compassing and imagining of the king's death was treason. The statute of 25 Edw. III. which was but declaratory, begins with this article as the capital of capitals in treason, and of all others the most odious and the most perilous: and so the civil law saith, "Conjurationes omnium proditionum odiosissimæ et perniciosissimæ." Against hostile invasions and the adherence of subjects to enemies, kings can arm. Rebellions must go over the bodies of many good subjects before they can hurt the king; but conspiracies against the persons of kings are like thunder-bolts that strike upon the sudden, hardly to be avoided. "Major metus a singulis," saith he, "quam ab universis." There is no preparation against them: and that preparation which may be of guard or custody, is a perpetual misery. And therefore they that have written of the privileges of ambassadors, and of the amplitude of safe-conducts, have defined, that if an ambassador or a man that cometh in upon the highest safe-conducts, do practise matter of sedition in a state, yet by the law of nations he ought to be remanded; but if he conspire against the life of a prince by violence or poison, he is to be justiced: "Quia odium est omni privilegio majus." Nay, even amongst enemies, and in the most deadly wars, yet nevertheless conspiracy and assassination of princes hath been accounted villanous and execrable.

The manners of conspiring and compassing the king's death are many: but it is most apparent, that amongst all the rest this surmounteth. First, because it is grounded upon pretenced religion; which is a trumpet that inflameth the heart and powers of a man with daring and resolution more than any thing else. Secondly, it is the hardest to be avoided; for when a particular conspiracy is plotted or attempted against a king by some one or some few conspirators, it meets with a number of impediments. Commonly he that hath the head to devise it, hath not the heart to undertake it: and the person that is used, sometimes faileth in courage; sometimes faileth in opportunity; sometimes is touched with remorse. But to publish and maintain, that it may be lawful for any man living to attempt the life of a king, this doctrine is a venomous sop; or, as a legion of malign spirits, or an universal temptation, doth enter at once into the hearts of all that are any way prepared, or of any predisposition to be traitors; so that whatsoever faileth in any one, is supplied in many. If one man faint, another will dare; if one man hath not the opportunity, another hath; if one man relent, another will be desperate. And thirdly, particular conspiracies have their periods of time, within which if they be not taken, they vanish; but this is endless, and importeth perpetuity of springing conspiracies. And so much concerning the nature of the fact.

For the third point, which is the doctrine; that upon an excommunication of the pope, with sentence of deposing, a king by any son of Adam may be slaughtered; and that it is justice and no murder; and that their subjects are absolved of their allegiance, and the kings themselves exposed to spoil and prey. I said before, that I would not argue the subtlety of the question: it is rather to be spoken to by way of accusation of the opinion as impious, than by way of dispute of it as doubtful. Nay, I say, it deserveth rather some holy war or league amongst all christian princes of either religion for the extirpating and razing of the opinion, and the authors thereof, from the face of the earth, than the style of pen or speech. Therefore in this kind I will speak to it a few words, and not otherwise. Nay, I protest, if I were a papist I should say as much: nay, I should speak it perhaps with more indignation and feeling. For this horrible opinion is our advantage, and it is their reproach, and will be their ruin.

This monster of opinion is to be accused of three most evident and most miserable slanders.

First, Of the slander it bringeth to the christian faith, being a plain plantation of irreligion and atheism.

Secondly, The subversion which it introduceth into all policy and government.

Thirdly, The great calamity it bringeth upon papists themselves; of which the more moderate sort, as men misled, are to be pitied.

For the first, if a man doth visit the foul and polluted opinions, customs, or practices of heathenism, Mahometism, and heresy, he shall find they do not attain to this height. Take the examples of damnable memory amongst the heathen. The proscriptions in Rome of Sylla, and afterwards of the Triumvirs, what were they? They were but a finite number of persons, and those not many that were exposed unto any man's sword. But what is that to the proscribing of a king, and all that shall take his part? And what was the reward of a soldier that amongst them killed one of the proscribed? A small piece of money. But what is now the reward of one that shall kill a king? The kingdom of heaven. The custom among the heathen that was most scandalized was, that sometimes the priest sacrificed men; but yet you shall not read of any priesthood that sacrificed kings.

The Mahometans make it a part of their religion to propagate their sect by the sword; but yet still by honourable wars, never by villanies and secret murders. Nay, I find that the Saracen prince, of whom the name of the assassins is derived, which had divers votaries at commandment, which he sent and employed to the killing of divers princes in the east, by one of whom Amurath the first was slain, and Edward the first of England was wounded, was put down and rooted out by common consent of the Mahometan princes.

The anabaptists, it is true, come nearest. For they profess the pulling down of magistrates: and they can chant the psalm, "To bind their kings in chains, and their nobles in fetters of iron." This is the glory of the saints, much like the temporal authority that the pope challengeth over princes. But this is the difference, that that is a furious and fanatical fury, and this is a sad and solemn mis-

chief: he "imagineth mischief as a law;" a law-like mischief.

As for the defence which they do make, it doth aggravate the sin, and turneth it from a cruelty towards man to a blasphemy towards God. For to say that all this is "in ordine ad spirituale," and to a good end, and for the salvation of souls, it is directly to make God author of evil, and to draw him in the likeness of the prince of darkness; and to say with those that St. Paul speaketh of, "Let us do evil that good may come thereof;" of whom the apostle saith definitively, "that their damnation is just."

For the destroying of government universally, it is most evident, that it is not the case of protestant princes only, but of catholic princes likewise; as the king hath excellently set forth. Nay, it is not the case of princes only, but of all subjects and private persons. For touching princes, let history be perused, what hath been the causes of excommunication; and namely, this tumour of it, the deposing of kings; it hath not been for heresy and schism alone, but for collation and investitures of bishoprics and benefices, intruding upon ecclesiastical possessions, violating of any ecclesiastical person or liberty. Nay, generally they maintain it, that it may be for any sin: so that the difference wherein their doctors vary, that some hold that the pope hath his temporal power immediately, and others but "in ordine ad spirituale," is but a delusion and an abuse. For all cometh to one. What is there that may not be made spiritual by consequence; especially when he that giveth the sentence may make the case? and accordingly hath the miserable experience followed. For this murdering of kings hath been put in practice, as well against papist kings as protestant: save that it hath pleased God so to guide it by his admirable providence, as the attempts upon papist princes have been executed, and the attempts upon protestant princes have failed, except that of the Prince of Orange: and not that neither, until such time as he had joined too fast with the duke of Anjou and the papists. As for subjects, I see not, nor ever could discern, but that by infallible consequence it is the case of all subjects and people, as well as of kings; for it is all one reason, that a bishop upon an excommunication of a private man, may give his lands and goods in spoil, or cause him to be slaughtered, as for the pope to do it towards a king; and for a bishop to absolve the son from duty to the father, as for the pope to absolve the subject from his allegiance to his king. And this is not my inference, but the very affirmative of pope Urban the second, who in a brief to Godfrey, bishop of Lucca, hath these very words, which cardinal Baronius reciteth in his Annals, "Non illos homicidas arbitramur, qui adversus excommunicatos zelo catholicæ matris ardentes eorum quoslibet trucidare contigerit," speaking generally of all excommunications. Tom. XI. p. 802.

THE CHARGE

OF SIR FRANCIS BACON, KNIGHT,

THE KING'S ATTORNEY-GENERAL,

AGAINST

MR. LUMSDEN, SIR JOHN WENTWORTH, AND SIR JOHN HOLMES.

FOR SCANDAL AND TRADUCING THE KING'S JUSTICE IN THE PROCEEDINGS AGAINST WESTON IN THE STAR-CHAMBER, NOVEMBER, 1615.

The offence wherewith I shall charge the three offenders at the bar, is a misdemeanor of a high nature, tending to the defacing and scandal of justice in a great cause capital. The particular charge is this:

The king amongst many his princely virtues is known to excel in that proper virtue of the imperial throne, which is justice. It is a royal virtue, which doth employ the other three cardinal virtues in her service: wisdom to discover, and discern nocent or innocent; fortitude to prosecute and execute; temperance, so to carry justice as it be not passionate in the pursuit, nor confused in involving persons upon light suspicion, nor precipitate in time. For this his Majesty's virtue of justice God hath of late raised an occasion, and erected as it were a stage or theatre, much to his honour, for him to show it, and act it in the pursuit of the untimely death of Sir Thomas Overbury, and therein cleansing the land from blood. For, my lords, if blood spilt pure doth cry to heaven in God's ears, much more blood defiled with poison.

This great work of his Majesty's justice, the more excellent it is, your lordships will soon conclude the greater is the offence of any that have sought to affront it or traduce it. And therefore, before I descend unto the charge of these offenders, I will set before your lordships the weight of that which they have sought to impeach; speaking somewhat of the general crime of imprisonment, and then of the par-

ticular circumstances of this fact upon Overbury; and thirdly and chiefly, of the king's great and worthy care and carriage in this business.

The offence of impoisonment is most truly figured in that device or description, which was made of the nature of one of the Roman tyrants, that he was "lutum sanguine maceratum," mire mingled or cemented with blood: for as it is one of the highest offences in guiltiness, so it is the basest of all others in the mind of the offenders. Treasons "magnum aliquid spectant:" they aim at great things; but this is vile and base. I tell your lordships what I have noted, that in all God's book, both of the Old and New Testament, I find examples of all other offences and offenders in the world, but not any one of an impoisonment or an impoisoner. I find mention or fear of casual impoisonment: when the wild vine was shred into the pot, they came complaining in a fearful manner; Master, "mors in olla." And I find mention of poisons of beasts and serpents; "the poison of asps is under their lips." But I find no example in the book of God of impoisonment. I have sometime thought of the words in the psalm, "let their table be made a snare." Which certainly is most true of impoisonment; for the table, the daily bread, for which we pray, is turned to a deadly snare: but I think rather that that was meant of the treachery of friends that were participant of the same table.

But let us go on. It is an offence, my lords, that hath the two spurs of offending; *spes perficiendi*, and *spes celandi*; it is easily committed, and easily concealed.

It is an offence that is "tanquam sagitta nocte volans;" it is the arrow that flies by night. It discerns not whom it hits: for many times the poison is laid for one, and the other takes it; as in Sander's case, where the poisoned apple was laid for the mother, and was taken up by the child, and killed the child: and so in that notorious case, whereupon the statute of 22 Hen. VIII. cap. 9, was made, where the intent being to poison but one or two, poison was put into a little vessel of barm that stood in the kitchen of the bishop of Rochester's house; of which barm pottage or gruel was made, wherewith seventeen of the bishop's family were poisoned: nay, divers of the poor that came to the bishop's gate, and had the broken pottage in alms, were likewise poisoned. And therefore if any man will comfort himself, or think with himself, Here is great talk of impoisonment, I hope I am safe; for I have no enemies; nor I have nothing that any body should long for: Why, that is all one; for he may sit at table by one for whom poison is prepared, and have a drench of his cup, or of his pottage. And so, as the poet saith, "concidit infelix alieno vulnere;" he may die another man's death. And therefore it was most gravely, and judiciously, and properly provided by that statute, that impoisonment should be high treason; because whatsoever offence tendeth to the utter subversion and dissolution of human society, is in the nature of high treason.

Lastly, it is an offence that I may truly say of it, "non est nostri generis, nec sanguinis." It is, thanks be to God, rare in the isle of Britain: it is neither of our country, nor of our church; you may find it in Rome or Italy. There is a region, or perhaps a religion for it: and if it should come amongst us, certainly it were better living in a wilderness than in a court.

For the particular fact upon Overbury. First, for the person of Sir Thomas Overbury: I knew the gentleman. It is true, his mind was great, but it moved not in any good order; yet certainly it did commonly fly at good things; and the greatest fault that I ever heard of him was, that he made his friend his idol. But I leave him as Sir Thomas Overbury.

But take him as he was the king's prisoner in the Tower; and then see how the case stands. In that place the state is as it were respondent to make good the body of a prisoner. And if any thing happen to him there, it may, though not in this case, yet in some others, make an aspersion and reflection upon the state itself. For the person is utterly out of his own defence; his own care and providence can serve him nothing. He is in custody and preservation of law; and we have a maxim in our law as my lords the judges know, that when a state is in preservation of law nothing can destroy it, or hurt it. And God forbid but the like should be for the persons of those that are in custody of law; and therefore this was a circumstance of great aggravation.

Lastly, To have a man chased to death in such manner, as it appears now by matter of record; for other privacy of the cause I know not; by poison after poison, first roseaker, then arsenick, then mercury sublimate, then sublimate again; it is a thing would astonish man's nature to hear it. The poets feign, that the furies had whips, that they were corded with poisonous snakes; and a man would think that this were the very case, to have a man tied to a post, and to scourge him to death with snakes: for so may truly be termed diversity of poisons.

Now I will come to that which is the principal; that is, his Majesty's princely, yea, and as I may truly term it, sacred proceeding in this cause. Wherein I will first speak of the temper of his justice, and then of the strength thereof.

First, it pleased my lord chief justice to let me know, that which I heard with great comfort, which was the charge that his Majesty gave to himself first, and afterwards to the commissioners in this case, worthy certainly to be written in letters of gold, wherein his Majesty did fore-rank and make it his prime direction, that it should be carried, without touch to any that was innocent; nay more, not only without impeachment, but without aspersion: which was a most noble and princely caution from his Majesty; for men's reputations are tender things, and ought to be, like Christ's coat, without seam. And it was the more to be respected in this case, because it met with two great persons; a nobleman that his Majesty had favoured and advanced, and his lady being of a great and honourable house: though I think it be true that the writers say, That there is no pomegranate so fair or so sound, but may have a perished kernel. Nay, I see plainly, that in those

excellent parts of his Majesty's own hand-writing, being as so many beams of justice issuing from that virtue which doth shine in him; I say, I see it was so evenly carried without prejudice, whether it were a true accusation of the one part, or a practice of a false accusation on the other, as showed plainly that his Majesty's judgment was *tanquam tabula rasa*, as a clean pair of tables, and his ear *tanquam janua aperta*, as a gate not side open, but wide open to truth, as it should be by little and little discovered. Nay, I see plainly, that at the first, till farther light did break forth, his Majesty was little moved with the first tale, which he vouchsafeth not so much as the name of a tale; but calleth a rumour, which is a heedless tale.

As for the strength or resolution of his Majesty's justice, I must tell your lordships plainly; I do not marvel to see kings thunder out justice in cases of treason, when they are touched themselves; and that they are *vindices doloris proprii:* but that a king should, *pro amore justitiæ* only, contrary to the tide of his own affection, for the preservation of his people, take such care of a cause of justice, that is rare and worthy to be celebrated far and near. For, I think I may truly affirm, that there was never in this kingdom, nor in any other kingdom, the blood of a private gentleman vindicated *cum tanto motu regni*, or to say better, *cum tanto plausu regni*. If it had concerned the king or prince, there could not have been greater nor better commissioners to examine it. The term hath been almost turned into a *justitium*, or vacancy; the people themselves being more willing to be lookers-on in this business, than to follow their own. There hath been no care of discovery omitted, no moment of time lost. And therefore I will conclude this part with the saying of Solomon, "Gloria Dei celare rem, et gloria regis scrutari rem." And his Majesty's honour is much the greater, for that he hath showed to the world in this business as it hath relation to my lord of Somerset, whose case in no sort I do prejudge, being ignorant of the secrets of the cause, but taking him as the law takes him hitherto, for a subject, I say, the king hath to his great honour showed, that were any man, in such a case of blood, as the signet upon his right hand, as the Scripture says, yet would he put him off.

Now will I come to the particular charge of these gentlemen, whose qualities and persons I respect and love; for they are all my particular friends: but now I can only do this duty of a friend to them, to make them know their fault to the full.

And therefore, first, I will by way of narrative declare to your lordships the fact, with the occasion of it; then you shall have their confessions read, upon which you are to proceed, together with some collateral testimonies by way of aggravation: and lastly, I will note and observe to your lordships the material points which I do insist upon for their charge, and so leave them to their answer. And this I will do very briefly, for the case is not perplexed.

That wretched man Weston, who was the actor or mechanical party in this impoisonment, at the first day being indicted by a very substantial jury of selected citizens, to the number of nineteen, who found *billa vera*, yet nevertheless at the first stood mute: but after some days intermission, it pleased God to cast out the dumb devil, and that he did put himself upon his trial; and was by a jury also of great value, upon his confession, and other testimonies, found guilty: so as thirty-one sufficient jurors have passed upon him. Whereupon judgment and execution was awarded against him. After this, being in preparation for another world, he sent for Sir Thomas Overbury's father, and falling down upon his knees, with great remorse and compunction, asked him forgiveness. Afterwards, again, of his own motion, desired to have his like prayer of forgiveness recommended to his mother, who was absent. And at both times, out of the abundance of his heart, confessed that he was to die justly, and that he was worthy of death. And after again at his execution, which is a kind of sealing-time of confessions, even at the point of death, although there were tempters about him, as you shall hear by and by, yet he did again confirm publicly, that his examinations were true, and that he had been justly and honourably dealt with. Here is the narrative, which induceth the charge. The charge itself is this.

Mr. L. whose offence stands alone single, the offence of the other two being in consort; and yet all three meeting in their end and centre, which was to interrupt or deface this excellent piece of justice; Mr. L. I say, meanwhile between Weston's standing mute and his trial, takes upon him to make a most false, odious, and libellous relation, containing as many untruths as lines, and sets it down in writing with his own hand, and delivers it to Mr. Henry Gibb, of the bed-chamber, to be put into the king's hand; in which writing he doth falsify and pervert all that was done the first day at the arraignment of Weston; turning the pike and point of his imputations principally upon my lord chief justice of England; whose name, thus occurring, I cannot pass by, and yet I cannot skill to flatter. But this I will say of him, and I would say as much to ages, if I should write a story; that never man's person and his place were better met in a business, than my lord Coke and my lord chief justice, in the cause of Overbury.

Now, my lords, in this offence of M. L. for the particulars of these slanderous articles, I will observe them unto you when the writings and examinations are read; for I do not love to set the gloss before the text. But in general I note to your lordships, first, the person of M. L. I know he is a Scotch gentleman, and thereby more ignorant of our laws and forms: but I cannot tell whether this doth extenuate his fault in respect of ignorance, or aggravate it much, in respect of presumption; that he would meddle in that he understood not: but I doubt it came not out of his quiver: some other man's cunning wrought upon this man's boldness. Secondly, I may note unto you the greatness of the cause wherein he being a private mean gentleman did presume to deal. M. L. could not but know to what great and grave commissioners the king had committed this cause; and that his Majesty in his wisdom would expect return of all things from them

to whose trust he hath committed this business. For it is the part of commissioners, as well to report the business, as to manage the business; and then his Majesty might have been sure to have had all things well weighed, and truly informed: and therefore it should have been far from M. L. to have presumed to have put forth his hand to so high and tender a business, which was not to be touched but by employed hands. Thirdly, I note to your lordships, that this infusion of a slander into a king's ear, is of all forms of libels and slanders the worst. It is true, that kings may keep secret their informations, and then no man ought to inquire after them, while they are shrined in their breast. But where a king is pleased that a man shall answer for his false information; there, I say, the false information to a king exceeds in offence the false information of any other kind; being a kind, since we are in matter of poison, of impoisonment of a king's ear. And thus much for the offence of M. L.

For the offence of S. W. and H. I. which I said was in consort, it was shortly this. At the time and place of the execution of Weston, to supplant his christian resolution, and to scandalize the justice already past, and perhaps to cut off the thread of that which is to come, these gentlemen, with others, came mounted on horseback, and in a ruffling and facing manner put themselves forward to re-examine Weston upon questions; and what questions? Directly cross to that that had been tried and judged. For what was the point tried? That Weston had poisoned Overbury. What was S. W.'s question? Whether Weston did poison Overbury or no? A contradictory directly: Weston answered only, that he did him wrong; and turning to the sheriff, said, You promised me I should not be troubled at this time. Nevertheless, he pressed him to answer; saying he desired to know it, that he might pray with him. I know not that S. W. is an ecclesiastic, that he should cut any man from the communion of prayer. And yet for all this vexing of the spirit of a poor man, now in the gates of death, Weston nevertheless stood constant, and said, I die not unworthily; my lord chief justice hath my mind under my hand, and he is an honourable and just judge. This is S. W. his offence.

For H. I. he was not so much a questionest; but wrought upon the other's questions, and, like a kind of confessor, wished him to discharge his conscience, and to satisfy the world. What world? I marvel! it was sure the world at Tyburn. For the world at Guildhall, and the world at London, was satisfied before; *teste* the bells that rung. But men have got a fashion now-a-days, that two or three busy-bodies will take upon them the name of the world, and broach their own conceits, as if it were a general opinion. Well, what more? When they could not work upon Weston, then I. H. in an indignation turned about his horse, when the other was turning over the ladder, and said, he was sorry for such a conclusion; that was, to have the state honoured or justified; but others took and reported his words in another degree: but that I leave, seeing it is not confessed.

H. I. his offence had another appendix, before this in time; which was, that at the day of the verdict given up by the jury, he also would needs give his verdict, saying openly, that if he were of the jury, he would doubt what to do. Marry, he saith, he cannot tell well whether he spake this before the jury had given up the verdict, or after; wherein there is little gained. For whether H. I. were a pre-juror or a post-juror, the one was to prejudge the jury, the other as to taint them.

Of the offence of these two gentlemen in general, your lordships must give me leave to say, that it is an offence greater and more dangerous than is conceived. I know well that as we have no Spanish inquisitions, nor justice in a corner; so we have no gagging of men's mouths at their death; but that they may speak freely at the last hour: but then it must come from the free motion of the party, not by temptation of questions. The questions that are to be asked ought to tend to farther revealing of their own or others' guiltiness; but to use a question in the nature of a false interrogatory, to falsify that which is *res judicata*, is intolerable. For that were to erect a court or commission of review at Tyburn against the king's bench at Westminster. And besides, it is a thing vain and idle: for if they answer according to the judgment past, it adds no credit: or if it be contrary, it derogateth nothing: but yet it subjecteth the majesty of justice to popular and vulgar talk and opinion.

My lords, these are great and dangerous offences; for if we do not maintain justice, justice will not maintain us.

But now your lordships shall hear the examinations themselves, upon which I shall have occasion to note some particular things, &c.

THE CHARGE

OF SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S ATTORNEY-GENERAL,

AGAINST

FRANCES COUNTESS OF SOMERSET,

INTENDED TO HAVE BEEN SPOKEN BY HIM AT HER ARRAIGNMENT, ON FRIDAY, MAY 24, 1616, IN CASE SHE HAD PLEADED NOT GUILTY.*

IT MAY PLEASE YOUR GRACE, MY LORD HIGH STEWARD OF ENGLAND,† AND YOU, MY LORDS, THE PEERS;

You have heard the indictment against this lady well opened; and likewise the point in law, that might make some doubt, declared and solved; wherein certainly the policy of the law of England is much to be esteemed, which requireth and respecteth form in the indictment, and substance in the proof.

This scruple it may be hath moved this lady to plead not guilty, though for the proof I shall not need much more than her own confession, which she hath formerly made, free and voluntary, and therein given glory to God and justice. And certainly confession, as it is the strongest foundation of justice, so it is a kind of corner-stone, whereupon justice and mercy may meet.

The proofs, which I shall read in the end for the ground of your verdict and sentence, will be very short; and as much as may serve to satisfy your honours and consciences for the conviction of this lady, without wasting of time in a case clear and confessed; or ripping up guiltiness against one, that hath prostrated herself by confession; or preventing or deflowering too much of the evidence. And therefore the occasion itself doth admonish me to spend this day rather in declaration than in evidence, giving God and the king the honour, and your lordships and the hearers the contentment, to set before you the proceeding of this excellent work of the king's justice, from the beginning to the end; and so to conclude with the reading the confession and proofs.

My lords, this is now the second time ‡ within the space of thirteen years reign of our happy sovereign, that this high tribunal-seat of justice ordained for the trial by peers, hath been opened and erected; and that, with a rare event, supplied and exercised by one and the same person, which is a great honour to you, my lord steward.

In all this mean time the king hath reigned in his white robe, not sprinkled with any drop of blood of any of his nobles of this kingdom. Nay, such have been the depths of his mercy, as even those noblemen's bloods, against whom the proceeding was at Winchester, Cobham and Grey, were attainted and corrupted, but not spilt or taken away; but that they remained rather spectacles of justice in their continual imprisonment, than monuments of justice in the memory of their suffering.

It is true, that the objects of his justice then and now were very differing. For then, it was the revenge of an offence against his own person and crown, and upon persons that were malcontents, and contraries to the state and government. But now, it is the revenge of the blood and death of a particular subject, and the cry of a prisoner. It is upon persons that were highly in his favour; whereby his Majesty, to his great honour hath showed to the world, as if it were written in a sun-beam, that he is truly the lieutenant of Him, with whom there is no respect of persons; that his affections royal are above his affections private: that his favours and nearness about him are not like popish sanctuaries to privilege malefactors: and that his being the best master of the world doth not let him from being the best king of the world. His people, on the other side, may say to themselves, "I will lie down in peace; for God and the king and the law protect me against great and small." It may be a discipline also to great men, especially such as are swoln in fortunes from small beginnings, that the king is as well able to level mountains, as to fill valleys, if such be their desert.

But to come to the present case; the great frame of justice, my lords, in this present action, hath a vault, and it hath a stage: a vault, wherein these works of darkness were contrived; and a stage with steps, by which they were brought to light. And therefore I will bring this work of justice to the period of this day; and then go on with this day's work.

Sir Thomas Overbury was murdered by poison in the 15th of September, 1613, 11 *Reg.* This foul and cruel murder did, for a time, cry secretly in the

* She pleaded guilty, on which occasion the attorney-general spoke a charge somewhat different from this.

† Thomas Egerton, viscount Ellesmere, lord high chancellor.

‡ The first time was on the trials of the lords Cobham and Grey, in November, 1603.

ears of God: but God gave no answer to it, otherwise than by that voice, which sometimes he useth, which is *vox populi*, the speech of the people. For there went then a murmur, that Overbury was poisoned: and yet this same submiss and soft voice of God, the speech of the vulgar people, was not without a counter-tenor, or counter-blast of the devil, who is the common author both of murder and slander: for it was given out, that Overbury was dead of a foul disease, and his body, which they had made a *corpus Judaicum* with their poisons, so as it had no whole part, must be said to be leprosied with vice, and so his name poisoned as well as his body. For as to dissoluteness, I never heard the gentleman noted with it: his faults were insolency and turbulency, and the like of that kind; the other part of the soul, not the voluptuous.

Meantime there was some industry used, of which I will not now speak, to lull asleep those that were the revengers of blood; the father and the brother of the murdered. And in these terms things stood by the space almost of two years, during which time God so blinded the two great procurers, and dazzled them with their own greatness, and did bind and nail fast the actors and instruments with security upon their protection, as neither the one looked about them, nor the other stirred or fled, nor were conveyed away; but remained here still, as under a privy arrest of God's judgments; insomuch as Franklin, that should have been sent over to the Palsgrave with good store of money, was by God's providence and the accident of a marriage of his, diverted and stayed.

But about the beginning of the progress last summer, God's judgments began to come out of their depths: and as the revealing of murders is commonly such, as a man may say, *a Domino hoc factum est;* it is God's work, and it is marvellous in our eyes: so in this particular it is most admirable; for it came forth by a compliment and matter of courtesy.

My lord of Shrewsbury,* that is now with God, recommended to a counsellor of state, of especial trust by his place, the late lieutenant Helwisse,† only for acquaintance as an honest worthy gentleman; and desired him to know him, and to be acquainted with him. That counsellor answered him civilly, that my lord did him a favour; and that he should embrace it willingly: but he must let his lordship know, that there did lie a heavy imputation upon that gentleman, Helwisse: for that Sir Thomas Overbury, his prisoner, was thought to have come to a violent and untimely death. When this speech was reported back by my lord of Shrewsbury to Helwisse, *perculit illico animum*, he was stricken with it; and being a politic man, and of likelihood doubting that the matter would break forth at one time or other, and that others might have the start of him, and thinking to make his own case by his own tale, resolved with himself, upon this occasion, to discover to my lord of Shrewsbury and that counsellor, that there was an attempt, whereto he was privy, to have poisoned Overbury by the hands of his under-keeper Weston; but that he checked it, and put it by, and dissuaded it, and related so much to him indeed: but then he left it thus, that it was but an attempt, or untimely birth, never executed; and as if his own fault had been no more, but that he was honest in forbidding, but fearful of revealing and impeaching or accusing great persons; and so with this fine point thought to save himself.

But that great counsellor of state wisely considering, that by the lieutenant's own tale it could not be simply a permission or weakness; for that Weston was never displaced by the lieutenant, notwithstanding that attempt; and coupling the sequel by the beginning, thought it matter fit to be brought before his Majesty, by whose appointment Helwisse set down the like declaration in writing.

Upon this ground the king playeth Solomon's part, "Gloria Dei celare rem; et gloria regis investigare rem;" and sets down certain papers of his own hand, which I might term to be *claves justitiæ*, keys of justice; and may serve for a precedent both for princes to imitate, and for a direction for judges to follow: and his Majesty carried the balance with a constant and steady hand, evenly and without prejudice, whether it were a true accusation of the one part, or a practice and factious device of the other: which writing, because I am not able to express according to the worth thereof, I will desire your lordship anon to hear read.

This excellent foundation of justice being laid by his Majesty's own hand, it was referred unto some counsellors to examine farther, who gained some degrees of light from Weston, but yet left it imperfect.

After it was referred to Sir Edward Coke, chief justice of the king's bench, as a person best practised in legal examinations, who took a great deal of indefatigable pains in it, without intermission, having, as I have heard him say, taken at least three hundred examinations in this business.

But these things were not done in a corner. I need not speak of them. It is true, that my lord chief justice, in the dawning and opening of the light, finding that the matter touched upon these great persons, very discreetly became suitor to the king to have greater persons than his own rank joined with him. Whereupon, your lordship, my lord high steward of England, to whom the king commonly resorteth *in arduis*, and my lord steward of the king's house, and my lord Zouch, were joined with him.

Neither wanted there this while practice to suppress testimony, to deface writings, to weaken the

* Gilbert earl of Shrewsbury, knight of the Garter, who died May 8, 1616.

† Sir Gervase Helwisse, appointed lieutenant of the Tower, upon the removal of Sir William Waade on the 6th of May, 1613, [Reliquiæ Wottonianæ, p. 412, 3d Edit. 1672.] Mr. Chamberlain, in a MS. letter to Sir Dudley Carleton, dated at London, May 13, 1613, speaks of Sir Gervase's promotion in these terms. "One Sir Gervase Helwisse, of Lincolnshire, somewhat an unknown man, is put into the place [of Sir W. Waade's] by the favour of the Lord Chamberlain [earl of Somerset] and his lady. The gentleman is of too mild and gentle a disposition for such an office. He is my old friend and acquaintance in France, and lately renewed in town, where he hath lived past a year, nor followed the court many a day." Sir Henry Wotton, in a letter of the 18th of May, 1613, [*ubi supra*, p. 13.] says that Sir Gervase had been before one of the pensioners.

king's resolution, to slander the justice, and the like. Nay, when it came to the first solemn act of justice, which was the arraignment of Weston, he had his lesson to stand mute; which had arrested the wheel of justice. But this dumb devil, by the means of some discreet divines, and the potent charm of justice, together, was cast out. Neither did this poisonous adder stop his ear to those charms, but relented, and yielded to his trial.

Then follow the proceedings of justice against the other offenders, Turner, Helwisse, Franklin.

But all these being but the organs and instruments of this fact, the actors and not the authors, justice could not have been crowned without this last act against these great persons. Else Weston's censure or prediction might have been verified, when he said, he hoped the small flies should not be caught, and the great escape. Wherein the king being in great straits, between the defacing of his honour and of his creature, hath, according as he useth to do, chosen the better part, reserving always mercy to himself.

The time also of this justice hath had its true motions. The time until this lady's deliverance was due unto honour, christianity, and humanity, in respect to her great belly. The time since was due to another kind of deliverance too; which was, that some causes of estate, that were in the womb, might likewise be brought forth, not for matter of justice, but for reason of state. Likewise this last procrastination of days had the like weighty grounds and causes. And this is the true and brief representation of this extreme work of the king's justice.

Now for the evidence against this lady, I am sorry I must rip it up. I shall first show you the purveyance or provisions of the poisons: that they were seven in number brought to this lady, and by her billeted and laid up till they might be used: and this done with an oath or vow of secrecy, which is like the Egyptian darkness, a gross and palpable darkness, that may be felt.

Secondly, I shall show you the exhibiting and sorting of this same number or volley of poisons: white arsenic was fit for salt, because it is of like body and colour. The poison of great spiders, and of the venomous fly cantharides, was fit for pig's sauce or partridge sauce, because it resembled pepper. As for mercury-water, and other poisons, they might be fit for tarts, which is a kind of hotch-pot, wherein no one colour is so proper: and some of these were delivered by the hands of this lady, and some by her direction.

Thirdly, I shall prove and observe unto you the cautions of these poisons; that they might not be too swift, lest the world should startle at it by the suddenness of the despatch; but they must abide long in the body, and work by degrees: and for this purpose there must be essays of them upon poor beasts, &c.

And lastly, I shall show you the rewards of this impoisonment, first demanded by Weston, and denied, because the deed was not done; but after the deed done and perpetrated, that Overbury was dead, then performed and paid to the value of 180*l.*

And so without farther aggravation of that, which in itself bears its own tragedy, I will conclude with the confessions of this lady herself, which is the strongest support of justice; and yet is the footstool of mercy. For, as the Scripture says, "Mercy and Truth have kissed each other;" there is no meeting or greeting of mercy, till there be a confession, or trial of truth. For these read,

Franklin, November 16,
Franklin, November 17,
Rich. Weston, October 1,
Rich. Weston, October 2,
Will. Weston, October 2,
Rich. Weston, October 3,
Helwisse, October 2,
The Countess's letter without date.
The Countess's confession, January 8.

THE

CHARGE,* BY WAY OF EVIDENCE,

BY

SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S ATTORNEY-GENERAL,

BEFORE THE LORD HIGH STEWARD AND THE PEERS;†

AGAINST

FRANCES, COUNTESS OF SOMERSET,

CONCERNING THE POISONING OF SIR THOMAS OVERBURY.

IT MAY PLEASE YOUR GRACE, MY LORD HIGH STEWARD OF ENGLAND, AND YOU MY LORDS THE PEERS:

I AM very glad to hear this unfortunate lady doth take this course, to confess fully and freely, and thereby to give glory to God and to justice. It is, as I may term it, the nobleness of an offender to confess: and therefore those meaner persons, upon whom justice passed before, confessed not; she doth. I know your lordships cannot behold her without compassion: many things may move you, her youth, her person, her sex, her noble family; yea, her provocations, if I should enter into the cause itself, and furies about her; but chiefly her penitency and confession. But justice is the work of this day; the mercy-seat was in the inner part of the temple; the throne is public. But since this lady hath by her confession prevented my evidence, and your verdict, and that this day's labour is eased; there resteth, in the legal proceeding, but for me to pray that her confession may be recorded, and judgment thereupon.

But because your lordships the peers are met, and that this day and to-morrow are the days that crown all the former justice; and that in these great cases it hath been ever the manner to respect honour and satisfaction, as well as the ordinary parts and forms of justice; the occasion itself admonisheth me to give your lordships and the hearers this contentment, as to make declaration of the proceedings of this excellent work of the king's justice, from the beginning to the end.

It may please your Grace, my lord high steward of England: this is now the second time, within the space of thirteen years' reign of our happy sovereign, that this high tribunal-seat, ordained for the trial of peers, hath been opened and erected, and that with a rare event, supplied and exercised by one and the same person, which is a great honour unto you, my lord steward.

In all this mean time the king hath reigned in his white robe, not sprinkled with any one drop of the blood of any of his nobles of this kingdom. Nay, such have been the depths of his mercy, as even those noblemen's bloods, against whom the proceeding was at Winchester, Cobham and Grey, were attainted and corrupted, but not spilt or taken away; but that they remained rather spectacles of justice in their continual imprisonment, than monuments of justice in the memory of their suffering.

It is true that the objects of his justice then and now were very differing: for then it was the revenge of an offence against his own person and crown, and upon persons that were malcontents, and contraries to the state and government; but now it is the revenge of the blood and death of a particular subject, and the cry of a prisoner; it is upon persons that were highly in his favour; whereby his Majesty, to his great honour, hath showed to the world as if it were written in a sun-beam, that he is truly the lieutenant of Him with whom there is no respect of persons; that his affections royal are above his affections private; that his favours and nearness about him are not like popish sanctuaries, to privilege malefactors; and that his being the best master in the world doth not let him from being the best king in the world. His people, on the other side, may say to themselves, I will lie down in peace, for God, the king, and the law, protect me against great and small. It may be a discipline also to great men, especially such as are swoln in their fortunes from small beginnings, that the king is as well able to level mountains, as to fill valleys, if such be their desert.

But to come to the present case: The great frame of justice, my lords, in this present action, hath a vault, and hath a stage; a vault, wherein these works of darkness were contrived; and a stage, with steps, by which it was brought to light.

* Given May 24, 1616.

† The lord chancellor Egerton, lord Ellesmere, and earl of Bridgwater.

For the former of these, I will not lead your lordships into it, because I will engrieve nothing against a penitent; neither will I open any thing against him that is absent. The one I will give to the laws of humanity, and the other to the laws of justice; for I shall always serve my master with a good and sincere conscience, and I know that he accepteth best. Therefore I will reserve that till to-morrow, and hold myself to that which I called the stage or theatre, whereunto indeed it may be fitly compared: for that things were first contained within the invisible judgments of God, as within a curtain, and after came forth, and were acted most worthily by the king, and right well by his ministers.

Sir Thomas Overbury was murdered by poison, September 15, 1613. This foul and cruel murder did for a time cry secretly in the ears of God; but God gave no answer to it, otherwise than by that voice, which sometimes he useth, which is *vox populi*, the speech of the people: for there went then a murmur that Overbury was poisoned; and yet the same submiss and low voice of God, the speech of the vulgar people, was not without a counter-tenor or counter-blast of the devil, who is the common author both of murder and slander; for it was given out that Overbury was dead of a foul disease; and his body, which they had made *corpus Judaicum* with their poisons, so as it had no whole part, must be said to be leprosied with vice, and so his name poisoned as well as his body. For as to dissoluteness, I have not heard the gentleman noted with it; his faults were of insolency, turbulency, and the like of that kind.

Meantime there was some industry used, of which I will not now speak, to lull asleep those that were the revengers of the blood, the father and the brother of the murdered. And in these terms things stood by the space of two years, during which time God did so blind the two great procurers, and dazzle them with their greatness, and blind and nail fast the actors and instruments with security upon their protection, as neither the one looked about them, nor the other stirred or fled, or were conveyed away, but remained here still, as under a privy arrest of God's judgments; insomuch as Franklin, that should have been sent over to the Palsgrave with good store of money, was, by God's providence and the accident of a marriage of his, diverted and stayed.

But about the beginning of the progress the last summer, God's judgments began to come out of their depths. And as the revealing of murder is commonly such as a man said, "a Domino hoc factum est; it is God's work, and it is marvellous in our eyes:" so in this particular it was most admirable; for it came forth first by a compliment, a matter of courtesy. My lord of Shrewsbury, that is now with God, recommended to a counsellor of state, of special trust by his place, the late lieutenant Helwisse,* only for acquaintance, as an honest and worthy gentleman, and desired him to know him, and to be acquainted with him. That counsellor answered him civilly, that my lord did him a favour, and that he should embrace it willingly; but he must let his lordship know, that there did lie a heavy imputation upon that gentleman, Helwisse; for that Sir Thomas Overbury, his prisoner, was thought to have come to a violent and an untimely death. When this speech was reported back by my lord of Shrewsbury to Helwisse, "percussit illico animum," he was strucken with it: and being a politic man, and of likelihood doubting that the matter would break forth at one time or other, and that others might have the start of him, and thinking to make his own case by his own tale, resolved with himself upon this occasion to discover unto my lord of Shrewsbury, and that counsellor, that there was an attempt, whereunto he was privy, to have poisoned Overbury by the hands of his under-keeper Weston; but that he checked it, and put it by, and dissuaded it. But then he left it thus, that it was but as an attempt, or an untimely birth, never executed; and as if his own fault had been no more, but that he was honest and forbidding, but fearful of revealing and impeaching, or accusing great persons: and so with this fine point thought to save himself.

But that counsellor of estate, wisely considering that by the lieutenant's own tale it could not be simply a permission or weakness; for that Weston was never displaced by the lieutenant, notwithstanding that attempt; and coupling the sequel by the beginning, thought it matter fit to be brought before his Majesty, by whose appointment Helwisse set down the like declaration in writing.

Upon this ground the king playeth Solomon's part, "Gloria Dei celare rem, et gloria regis investigare rem," and sets down certain papers of his own hand, which I might term to be *claves justitiæ*, keys of justice; and may serve both for a precedent for princes to imitate, and for a direction for judges to follow. And his Majesty carried the balance with a constant and steady hand, evenly and without prejudice, whether it were a true accusation of the one part, or a practice and factious scandal of the other: which writing, because I am not able to express according to the worth thereof, I will desire your lordships anon to hear read.

This excellent foundation of justice being laid by his Majesty's own hand, it was referred unto some counsellors to examine farther; who gained some degrees of light from Weston, but yet left it imperfect.

After it was referred to Sir Edward Coke, chief justice of the king's bench, as a person best practised in legal examinations; who took a great deal of indefatigable pains in it without intermission, having, as I have heard him say, taken at least three hundred examinations in this business.

But these things were not done in a corner, I need not speak of them. It is true that my lord chief justice, in the dawning and opening of the light, finding the matter touched upon these great persons, very discreetly became suitor to the king, to have greater persons than his own rank joined with him; where-

* Called in Sir H. Wotton's Reliq. p. 413. *Elvis.* In Sir A. Welden's Court of K. James, p. 107. *Elwaies.* In Aulic. Coquin. p. 141. *Ellowaies.* In Sir W. Dugdale's Baron. of England, tom. ii. p. 425. *Elwayes.* In Baker, p. 431. *Yelvis.*

upon your lordships, my lord high steward of England, my lord steward of the king's house, and my lord Zouch, were joined with him.

Neither wanted there, this while, practice to suppress testimony, to deface writings, to weaken the king's resolution, to slander the justice, and the like. Nay, when it came to the first solemn act of justice, which was the arraignment of Weston, he had his lesson to stand mute; which had arrested the whole wheel of justice. But this dumb devil, by the means of some discreet divines, and the potent charm of justice, together, was cast out. Neither did this poisonous adder stop his ear to these charms, but relented, and yielded to his trial.

Then followed the other proceedings of justice against the other offenders, Turner, Helwisse, Franklin.

But all these being but the organs and instruments of this fact, the actors, and not the authors, justice could not have been crowned without this last act against these great persons; else Weston's censure or prediction might have been verified, when he said, he hoped the small flies should not be caught, and the greater escape. Wherein the king, being in great straits between the defacing of his honour, and of his creature, hath, according as he used to do, chosen the better part, reserving always mercy to himself.

The time also of justice hath had its true motions. The time until this lady's deliverance was due unto honour, christianity, and humanity, in respect of her great belly. The time since was due to another kind of deliverance too; which was, that some causes of estate which were in the womb might likewise be brought forth, not for matter of justice, but for reason of state. Likewise this last procrastination of days had the like weighty grounds and causes.

But, my lords, where I speak of a stage, I doubt I hold you upon the stage too long. But before I pray judgment, I pray your lordships to hear the king's papers read, that you may see how well the king was inspired, and how nobly he carried it, that innocency might not have so much as aspersion.

Frances, Countess of Somerset, hath been indicted and arraigned, as accessary before the fact, for the murder and impoisonment of Sir Thomas Overbury, and hath pleaded guilty, and confesseth the indictment: I pray judgment against the prisoner.

THE CHARGE

OF SIR FRANCIS BACON, KNIGHT,

HIS MAJESTY'S ATTORNEY-GENERAL,

BY WAY OF EVIDENCE,

BEFORE THE LORD HIGH STEWARD, AND THE PEERS,

AGAINST ROBERT, EARL OF SOMERSET,

CONCERNING THE POISONING OF OVERBURY.

IT MAY PLEASE YOUR GRACE, MY LORD HIGH STEWARD OF ENGLAND, AND YOU, MY LORDS THE PEERS:

You have here before you Robert earl of Somerset, to be tried for his life, concerning the procuring and consenting to the impoisonment of Sir Thomas Overbury, then the king's prisoner in the Tower of London, as an accessary before the fact.

I know your lordships cannot behold this nobleman, but you must remember his great favour with the king, and the great place that he hath had and borne, and must be sensible that he is yet of your number and body, a peer as you are; so that you cannot cut him off from your body but with grief; and therefore that you will expect from us, that give in the king's evidence, sound and sufficient matter of proof to satisfy your honours and consciences.

As for the manner of the evidence, the king our master, who among his other virtues excelleth in that virtue of the imperial throne, which is justice, hath given us in commandment that we should not expatiate, nor make invectives, but materially pursue the evidence, as it conduceth to the point in question; a matter, that though we are glad of so good a warrant, yet we should have done of ourselves: for far be it from us, by any strains of wit or art, to seek to play prizes, or to blazon our names in blood, or to carry the day otherwise than upon just grounds. We shall carry the lanthorn of justice, which is the evidence, before your eyes upright, and to be able to save it from being put out with any winds of evasion or vain defences, that is our part; and within that we shall contain ourselves, not doubting at all, but that the evidence itself will carry such force as it shall need no vantage or aggravation.

My lords, the course which I will hold in delivering that which I shall say, for I love order, shall be this:

First, I will speak somewhat of the nature and greatness of the offence which is now to be tried; not to weigh down my lord with the greatness of it, but contrariwise to show that a great offence deserveth a great proof, and that the king, however he might esteem this gentleman heretofore, as the signet upon his finger, to use the Scripture phrase, yet in such case as this he was to put him off.

Secondly, I will use some few words touching the nature of the proofs, which in such a case are competent.

Thirdly, I will state the proofs.

Fourthly and lastly, I will produce the proofs, either out of examinations and matters of writing, or witnesses, *viva voce*.

For the offence itself, it is of crimes, next unto high treason, the greatest; it is the foulest of felonies. And take this offence with the circumstances, it hath three degrees or stages: that it is murder; that it is murder by impoisonment; that it is murder committed upon the king's prisoner in the Tower: I might say, that it is murder under the colour of friendship; but this is a circumstance moral; I leave that to the evidence itself.

For murder, my lords, the first record of justice that was in the world was a judgment upon a murderer in the person of Adam's first-born, Cain; and though it was not punished by death, but with banishment and mark of ignominy, in respect of the primogeniture, or population of the world, or other points of God's secret decree, yet it was judged, and was, as it is said, the first record of justice. So it appeareth likewise in Scripture, that the murder of Abner by Joab, though it were by David respited in respect of great services past, or reason of state, yet it was not forgotten. But of this I will say no more. It was ever admitted, and ranked in God's own tables, that murder is of offences between man and man, next unto treason and disobedience unto authority, which some divines have referred to the first table, because of the lieutenancy of God in princes.

For impoisonment, I am sorry it should be heard of in this kingdom: it is not "nostri generis nec sanguinis:" it is an Italian crime, fit for the court of Rome, where that person which intoxicateth the kings of the earth with his cup of poison, is many times really and materially intoxicated and impoisoned himself.

But it hath three circumstances, which make it grievous beyond other murders; whereof the first is, that it takes away a man in full peace, in God's and the king's peace; he thinketh no harm, but is comforting of nature with refection and food; so that, as the Scripture saith, "his table is made a snare."

The second is, that it is easily committed, and easily concealed; and on the other side, hardly prevented, and hardly discovered: for murder by violence, princes have guards, and private men have houses, attendants, and arms: neither can such murder be committed but *cum sonitu*, and with some overt and apparent act that may discover and trace the offender. But as for poison, the cup itself of princes will scarce serve, in regard of many poisons that neither discolour nor distaste.

And the last is, because it concerneth not only the destruction of the maliced man, but of any other; "Quis modo tutus erit?" for many times the poison is prepared for one, and is taken by another: so that men die other men's deaths; "concidit infelix alieno vulnere:" and it is, as the Psalm calleth it, "sagitta nocte volens; the arrow that flieth by night;" it hath no aim or certainty.

Now for the third degree of this particular offence, which is, that it was committed upon the king's prisoner, who was out of his own defence, and merely in the king's protection, and for whom the king and state was a kind of respondent; it is a thing that aggravates the fault much. For certainly, my lord of Somerset, let me tell you this, that Sir Thomas Overbury is the first man that was murdered in the Tower of London, since the murder of the two young princes. Thus much of the offence, now to the proof.

For the nature of the proofs, your lordships must consider, that impoisonment of all offences is the most secret; so secret, as that if in all cases of impoisonment you should require testimony, you were as good proclaim impunity.

Who could have impeached Livia, by testimony, of the impoisoning figs upon the tree, which her husband was wont to gather with his own hands?

Who could have impeached Parisatis for the poisoning of one side of the knife that she carved with, and keeping the other side clean; so that herself did eat of the same piece of meat that the lady did that she did impoison? The cases are infinite, and need not to be spoken of, of the secrecy of impoisonments; but wise triers must take upon them, in these secret cases, Solomon's spirit, that where there could be no witnesses, collected the act by the affection.

But yet we are not to come to one case: for that which your lordships are to try is not the act of impoisonment, for that is done to your hand; all the world by law is concluded to say, that Overbury was impoisoned by Weston.

But the question before you is of the procurement only, and of the abetting, as the law termeth it, as accessary before the fact: which abetting is no more but to do or use any act or means, which may aid or conduce unto the impoisonment.

So that it is not the buying or making of the poison, or the preparing, or confecting, or commixing of it, or the giving or sending or laying the poison, that are the only acts that do amount unto abetment. But if there be any other act or means done or used to give the opportunity of impoisonment, or to facilitate the execution of it, or to stop or divert any impediments that might hinder it, and this be with an intention to accomplish and achieve the impoisonment; all these are abetments, and accessaries before the fact. I will put you a familiar example. Allow there be a conspiracy to murder a

man as he journeys by the way, and it be one man's part to draw him forth to that journey by invitation, or by colour of some business; and another takes upon him to dissuade some friend of his, whom he had a purpose to take in his company, that he be not too strong to make his defence; and another hath the part to go along with him, and to hold him in talk till the first blow be given: all these, my lords, without scruple, are abettors to this murder, though none of them give the blow, nor assist to give the blow.

My lords, he is not the hunter alone that lets slip the dog upon the deer, but he that lodges the deer, or raises him, or puts him out, or he that sets a toil that he cannot escape, or the like.

But this, my lords, little needeth in this present case, where there is such a chain of acts of impoisonment as hath been seldom seen, and could hardly have been expected, but that greatness of fortune maketh commonly grossness in offending.

To descend to the proofs themselves, I shall keep this course.

First, I will make a narrative or declaration of the fact itself.

Secondly, I will break and distribute the proofs as they concern the prisoner.

And thirdly, according to that distribution, I will produce them, and read them, or use them.

So that there is nothing that I shall say, but your lordship, my lord of Somerset, shall have three thoughts or cogitations to answer it: First, when I open it, you may take your aim. Secondly, when I distribute it, you may prepare your answers without confusion. And lastly, when I produce the witnesses or examinations themselves, you may again ruminate and re-advise how to make your defence. And this I do the rather, because your memory or understanding may not be oppressed or overladen with the length of evidence, or with confusion of order. Nay more, when your lordship shall make your answers in your time, I will put you in mind, when cause shall be, of your omissions.

First, therefore, for the simple narrative of the fact. Sir Thomas Overbury for a time was known to have had great interest and great friendship with my lord of Somerset, both in his meaner fortunes, and after: insomuch as he was a kind of oracle of direction unto him; and, if you will believe his own vaunts, being of an insolent Thrasonical disposition, he took upon him, that the fortune, reputation, and understanding of this gentleman, who is well known to have had a better teacher, proceeded from his company and counsel.

And this friendship rested not only in conversation and business of court, but likewise in communication of secrets of estate. For my lord of Somerset, at that time exercising, by his Majesty's special favour and trust, the office of the secretary provisionally, did not forbear to acquaint Overbury with the king's packets of despatches from all parts, Spain, France, the Low Countries, &c. And this not by glimpses, or now and then rounding in the ear for a favour, but in a settled manner: packets were sent, sometimes opened by my lord, sometimes unbroken, unto Overbury, who perused them, copied, registered them, made tables of them as he thought good: so that, I will undertake, the time was when Overbury knew more of the secrets of state than the council-table did. Nay, they were grown to such an inwardness, as they made a play of all the world besides themselves: so as they had ciphers and jargons for the king, the queen, and all the great men; things seldom used but either by princes and their ambassadors and ministers, or by such as work and practise against, or at least upon, princes.

But understand me, my lord, I shall not charge you this day with any disloyalty; only I say this for a foundation, that there was a great communication of secrets between you and Overbury, and that it had relation to matters of estate, and the greatest causes of this kingdom.

But, my lords, as it is a principle in nature, that the best things are in their corruption the worst, and the sweetest wine makes the sharpest vinegar; so fell it out with them, that this excess, as I may term it, of friendship ended in mortal hatred on my lord of Somerset's part.

For it fell out, some twelve months before Overbury's imprisonment in the Tower, that my lord of Somerset was entered into an unlawful love towards his unfortunate lady, then countess of Essex; which went so far, as it was then secretly projected, chiefly between my lord privy seal and my lord of Somerset, to effect a nullity in the marriage with my lord of Essex, and so to proceed to a marriage with Somerset.

This marriage and purpose did Overbury mainly oppugn, under pretence to do the true part of a friend; for that he counted her an unworthy woman: but the truth was, that Overbury, who, to speak plainly, had little that was solid for religion or moral virtue, but was a man possessed with ambition and vain-glory, was loth to have any partners in the favour of my lord of Somerset, and especially not the house of the Howards, against whom he had always professed hatred and opposition: so all was but miserable bargains of ambition.

And, my lords, that this is no sinister construction will well appear unto you, when you shall hear that Overbury makes his brags to my lord of Somerset, that he had won him the love of the lady by his letters and industry: so far was he from cases of conscience in this matter. And certainly, my lords, howsoever the tragical misery of that poor gentleman Overbury ought somewhat to obliterate his faults; yet because we are not now upon point of civility, but to discover the face of truth to the face of justice; and that it is material to the true understanding of the state of this cause; Overbury was naught and corrupt, the ballads must be amended for that point.

But to proceed; when Overbury saw that he was like to be dispossessed of my lord here, whom he had possessed so long, and by whose greatness he had promised himself to do wonders; and being a man of an unbounded and impetuous spirit, he began not only to dissuade, but to deter him from that love and marriage; and finding him fixed, thought to try stronger remedies, supposing that he had my

lord's head under his girdle, in respect of communication of secrets of estate, or, as he calls them himself in his letters, secrets of all natures; and therefore dealt violently with him, to make him desist, with menaces of discovery of secrets, and the like.

Hereupon grew two streams of hatred upon Overbury; the one, from the lady, in respect that he crossed her love, and abused her name, which are furies to women; the other, of a deeper and more mineral nature, from my lord of Somerset himself; who was afraid of Overbury's nature, and that if he did break from him and fly out, he would mine into him and trouble his whole fortunes.

I might add a third stream from the earl of Northampton's ambition, who desires to be first in favour with my lord of Somerset; and knowing Overbury's malice to himself and his house, thought that man must be removed and cut off. So it was amongst them resolved and decreed that Overbury must die.

Hereupon they had variety of devices. To send him beyond sea, upon occasion of employment, that was too weak; and they were so far from giving way to it, as they crossed it. There rested but two ways, quarrel or assault, and poison. For that of assault, after some proposition and attempt, they passed from it; it was a thing too open, and subject to more variety of chances. That of poison likewise was a hazardous thing, and subject to many preventions and cautions; especially to such a jealous and working brain as Overbury had, except he were first fast in their hands.

Therefore the way was first to get him into a trap, and lay him up, and then they could not miss the mark. Therefore in execution of this plot it was devised, that Overbury should be designed to some honourable employment in foreign parts, and should under-hand by the lord of Somerset be encouraged to refuse it; and so upon that contempt he should be laid prisoner in the Tower, and then they would look he should be close enough, and death should be his bail. Yet were they not at their end. For they considered that if there was not a fit lieutenant of the Tower for their purpose, and likewise a fit under-keeper of Overbury; first, they should meet with many impediments in the giving and exhibiting the poison. Secondly, they should be exposed to note and observation that might discover them. And thirdly, Overbury in the mean time might write clamorous and furious letters to other his friends, and so all might be disappointed. And therefore the next link of the chain was to displace the then lieutenant Waade, and to place Helwisse, a principal abettor in the impoisonment: again, to displace Cary, that was the under-keeper in Waade's time, and to place Weston, who was the principal actor in the impoisonment: and this was done in such a while, that it may appear to be done, as it were, with one breath, as there were but fifteen days between the commitment of Overbury, the displacing of Waade, the placing of Helwisse, the displacing of Cary the under-keeper, the placing of Weston, and the first poison given two days after.

Thus when they had this poor gentleman in the Tower close prisoner, where he could not escape nor stir, where he could not feed but by their hands, where he could not speak nor write but through their trunks; then was the time to execute the last act of this tragedy.

Then must Franklin be purveyor of the poisons, and procure five, six, seven several potions, to be sure to hit his complexion. Then must Mrs. Turner be the say-mistress of the poisons to try upon poor beasts, what is present, and what works at distance of time. Then must Weston be the tormentor, and chase him with poison after poison; poison in salts, poison in meats, poison in sweetmeats, poison in medicines and vomits, until at last his body was almost come, by use of poisons, to the state that Mithridates's body was by the use of treacle and preservatives, that the force of the poisons were blunted upon him; Weston confessing, when he was chid for not despatching him, that he had given him enough to poison twenty men. Lastly, because all this asked time, courses were taken by Somerset, both to divert all means of Overbury's delivery, and to entertain Overbury by continual letters, partly of hopes and projects for his delivery, and partly of other fables and negotiations; somewhat like some kind of persons, which I will not name, which keep men in talk of fortune-telling, when they have a felonious meaning.

And this is the true narrative of this act of impoisonment, which I have summarily recited.

Now for the distribution of the proofs, there are four heads of proofs to prove you guilty, my lord of Somerset, of this impoisonment; whereof two are precedent to the imprisonment, the third is present, and the fourth is following or subsequent. For it is in proofs as it is in lights, there is a direct light, and there is a reflexion of light, or back-light.

The first head or proof thereof is, That there was a root of bitterness, a mortal malice or hatred, mixed with deep and bottomless fears, that you had towards Sir Thomas Overbury.

The second is, That you were the principal actor, and had your hand in all those acts, which did conduce to the impoisonment, and which gave opportunity and means to effect it; and without which the impoisonment could never have been, and which could serve or tend to no other end but to the impoisonment.

The third is, That your hand was in the very impoisonment itself, which is more than needs to be proved; that you did direct poison; that you did deliver poison; that you did continually hearken to the success of the impoisonment; and that you spurred it on, and called for despatch when you thought it lingered.

And lastly, That you did all the things after the impoisonment, which may detect a guilty conscience, for the smothering of it, and avoiding punishment for it: which can be but of three kinds: that you suppressed, as much as in you was, testimony; That you did deface, and destroy, and clip, and misdate all writings that might give light to the impoisonment; and that you did fly to the altar of guiltiness, which is a pardon, and a pardon of murder, and a pardon for yourself, and not for your lady.

In this, my lord, I convert my speech to you, because I would have you attend the points of your charge, and so of your defence the better. And two of these heads I have taken to myself, and left the other two to the king's two serjeants.

For the first main part, which is the mortal hatred, coupled with fear, that was in my lord of Somerset towards Overbury, although he did palliate it with a great deal of hypocrisy and dissimulation even to the end; I shall prove it, my lord steward, and you my lords and peers, manifestly, by matter both of oath and writing. The root of this hatred was that that hath cost many a man's life, that is, fear of discovering secrets; secrets, I say, of a high and dangerous nature: Wherein the course that I will hold, shall be this:

First, I will show that such a breach and malice was between my lord and Overbury, and that it burst forth into violent menaces and threats on both sides.

Secondly, That these secrets were not light, but of a high nature; for I will give you the elevation of the pole. They were such, as my lord of Somerset for his part had made a vow, that Overbury should neither live in court nor country. That he had likewise opened himself and his own fears so far, that if Overbury ever came forth of the Tower, either Overbury or himself must die for it. And of Overbury's part, he had threatened my lord, that whether he did live or die, my lord's shame should never die, but he would leave him the most odious man of the world. And farther, that my lord was like enough to repent it, in the place where Overbury wrote, which was the Tower of London. He was a true prophet in that: so here is the height of the secrets.

Thirdly, I will show you that all the king's business was by my lord put into Overbury's hands; so as there is work enough for secrets, whatsoever they were: and like princes confederates, they had their ciphers and jargons.

And lastly, I will show you that it is but a toy to say that the malice was only in respect he spake dishonourably of the lady; or for doubt of breaking the marriage: for that Overbury was a coadjutor to that love, and the lord of Somerset was as deep in speaking ill of the lady as Overbury. And again, it was too late for that matter, for the bargain of the match was then made and past. And if it had been no more but to remove Overbury from disturbing of the match, it had been an easy matter to have banded over Overbury beyond seas, for which they had a fair way; but that would not serve their turn.

And lastly, *periculum periculo vincitur*, to go so far as an impoisonment, must have a deeper malice than flashes: for the cause must bear a proportion to the effect.

For the next general head of proofs, which consists in acts preparatory to the middle acts, they are in eight several points of the compass, as I may term it.

First, That there were devices and projects to despatch Overbury, or to overthrow him, plotted between the countess of Somerset, the earl of Somerset, and the earl of Northampton, before they fell upon the impoisonment: for always before men fix upon a course of mischief, there must be some rejections: but die he must, one way or other.

Secondly, That my lord of Somerset was a principal practiser, I must speak it, in a most perfidious manner, to set a train or trap for Overbury to get him into the Tower; without which they never durst have attempted the impoisonment.

Thirdly, That the placing of the lieutenant Helwisse, one of the impoisoners, and the displacing of Waade, was by the means of my lord of Somerset.

Fourthly, That the placing of Weston the underkeeper, who was the principal impoisoner, and the displacing of Cary, and the doing of all this within fifteen days after Overbury's commitment, was by the means and countenance of my lord of Somerset. And these two were the active instruments of the impoisonment; and this was a business that the lady's power could not reach unto.

Fifthly, That because there must be a time for the tragedy to be acted, and chiefly because they would not have the poisons work upon the sudden; and for that the strength of Overbury's nature, or the very custom of receiving poison into his body, did overcome the poisons, that they wrought not so fast; therefore Overbury must be held in the Tower. And as my lord of Somerset got him into the trap, so he kept him in, and abused him with continual hopes of liberty; and diverted all the true and effectual means of his liberty, and made light of his sickness and extremities.

Sixthly, That not only the plot of getting Overbury into the Tower, and the devices to hold him and keep him there; but the strange manner of his close keeping, being in but for a contempt, was by the device and means of my lord of Somerset, who denied his father to see him, denied his servants that offered to be shut up close prisoners with him; and in effect handled it so, that he was close prisoner to all his friends, and open and exposed to all his enemies.

Seventhly, That the advertisement which my lady received from time to time from the lieutenant or Weston, touching Overbury's state of body or health, were ever sent up to the court, though it were in progress, and that from my lady: such a thirst and listening this lord had to hear that he was despatched.

Lastly, There was a continual negotiation to set Overbury's head on work, that he should make some recognition to clear the honour of the lady; and that he should become a good instrument towards her and her friends: all which was but entertainment; for your lordships shall plainly see divers of my lord of Northampton's letters, whose hand was deep in this business, written, I must say it, in dark words and clauses; that there was one thing pretended and another intended; there was a real charge, and there was somewhat not real; a main drift, and a dissimulation. Nay farther, there be some passages which the peers in their wisdom will discern to point directly at the impoisonment.

[After this inducement followed the evidence itself.]

THE EFFECT OF THAT WHICH WAS SPOKEN

BY THE

LORD KEEPER OF THE GREAT SEAL OF ENGLAND,

AT THE TAKING OF HIS PLACE IN CHANCERY,

IN PERFORMANCE OF THE CHARGE HIS MAJESTY HAD GIVEN HIM WHEN HE RECEIVED THE SEAL, MAY 7, 1617.

BEFORE I enter into the business of the court, I shall take advantage of so many honourable witnesses to publish and make known summarily, what charge the king's most excellent Majesty gave me when I received the seal, and what orders and resolutions I myself have taken in conformity to that charge; that the king may have the honour of direction, and I the part of obedience; whereby your lordships and the rest of the presence shall see the whole time of my sitting in the chancery, which may be longer or shorter, as it shall please God and the king, contracted into one hour. And this I do for three causes.

First, to give account to the king of his commandment.

Secondly, that it may be a guard and custody to myself, and my own doings, that I do not swerve or recede from any thing that I have professed in so noble a company.

And thirdly, that all men that have to do with the chancery or the seal, may know what they shall expect, and both set their hearts and my ears at rest; not moving me in any thing against these rules; knowing that my answer is now turned from a *nolumus* into a *non possumus*. It is no more, I will not, but, I cannot, after this declaration.

And this I do also under three cautions.

The first is, that there be some things of a more secret and council-like nature, more fit to be acted than published. But those things which I shall speak of to-day are of a more public nature.

The second is, that I will not trouble this presence with every particular, which would be too long; but select those things which are of greatest efficacy, and conduce most *ad summas rerum*; leaving many other particulars to be set down in a table, according to the good example of my last predecessor in his beginning.

And lastly, that these imperatives, which I have made but to myself and my times, be without prejudice to the authority of the court, or to wiser men that may succeed me; and chiefly that they are wholly submitted unto the great wisdom of my sovereign, and the absolutest prince in judicature that hath been in the christian world; for if any of these things which I intend to be subordinate to his directions, shall be thought by his Majesty to be inordinate, I shall be most ready to reform them. These things are but "tanquam album prætoris;" for so did the Roman prætors, which have the greatest affinity with the jurisdiction of the chancellor here, who used to set down at their entrance, how they would use their jurisdiction. And this I shall do, my lords, *in verbis masculis*; no flourishing or painted words, but such as are fit to go before deeds.

The king's charge, which is my lanthorn, rested upon four heads.

The first was, that I should contain the jurisdiction of the court within its true and due limits, without swelling or excess.

The second, that I should think the putting of the great seal to letters patents was not a matter of course to follow after precedent warrants; but that I should take it to be the maturity and fulness of the king's intentions: and therefore of the greatest parts of my trust, if I saw therein any scruple or cause of stay, that I should acquaint him, concluding with a "Quod dubites ne feceris."

The third was, that I should retrench all unnecessary delays, that the subject might find that he did enjoy the same remedy against the fainting of the soul and the consumption of the estate; which was speedy justice. "Bis dat, qui cito dat."

The fourth was, that justice might pass with as easy charge as might be; and that those same brambles, that grow about justice, of needless charge and expense, and all manner of exactions, might be rooted out so far as might be.

These commandments, my lords, are righteous, and, as I may term them, sacred; and therefore, to use a sacred form, I pray God bless the king for his great care over the justice of the land, and give me, his poor servant, grace and power to observe his precepts.

Now for a beginning towards it, I have set down and applied particular orders to-day out of these four general heads.

For the excess or tumour of this court of chancery, I shall divide it into five natures.

The first is, when the court doth embrace and retain causes, both in matter and circumstance, merely determinable and fit for the common law;

for, my lords, the chancery is ordained to supply the law, and not to subvert the law. Now to describe unto you or delineate what those causes are that are fit for the court, or not fit for the court, were too long a lecture. But I will tell you what remedy I have prepared. I will keep the keys of the court myself, and will never refer any demurrer or plea, tending to discharge or dismiss the court of the cause, to any master of the chancery, but judge of it myself, or at least the master of the rolls. Nay farther, I will appoint regularly, that on the Tuesday of every week, which is the day of orders, first to hear motions of that nature before any other, that the subject may have his *vale* at first without attending, and that the court do not keep and accumulate a miscellany and confusion of causes of all natures.

The second point concerneth the time of the complaint, and the late comers into the chancery; which stay till a judgment be passed against them at the common law, and then complain: wherein your lordships may have heard a great rattle and a noise of a *præmunire*, and I cannot tell what. But that question the king hath settled according to the ancient precedents in all times continued. And this I will say, that the opinion, not to relieve any case after judgment, would be a guilty opinion; guilty of the ruin, and naufrage, and perishing of infinite subjects: and as the king found it well out, why should a man fly into the chancery before he be hurt? The whole need not the physician, but the sick. But, my lords, the power would be preserved, but the practice would be moderate. My rule shall be therefore, that in case of complaints after judgment, except the judgments be upon *nihil dicit*, and cases which are but disguises of judgment, as that they be judgments obtained in contempt of a preceding order in this court, yea, and after verdicts also, I will have the party complainant enter into good bond to prove his suggestion: so that if he will be relieved against a judgment at common law upon matter of equity, he shall do it *tanquam in vinculis*, at his peril.

The third point of excess may be the over-frequent and facile granting of injunctions for the staying of the common laws, or the altering of possessions; wherein these shall be my rules.

I will grant no injunction merely upon priority of suit; that is to say, because this court was first possessed: a thing that was well reformed in the late lord chancellor's time, but usual in the chancellor Bromley's time; insomuch, as I remember, that Mr. Dalton the counsellor at law put a pasquil upon the court in nature of a bill; for seeing it was no more but, My lord, the bill came in on Monday, and the arrest at common law was on Tuesday, I pray the injunction upon priority of suit: he caused his client that had a loose debtor, to put his bill into the chancery before the bond due to him was forfeited, to desire an order that he might have his money at the day, because he would be sure to be before the other. I do not mean to make it a matter of a horse-race who shall be first at Westminster-hall.

Neither will I grant an injunction upon matter contained in the bill only, be it never so smooth and specious; but upon matter confessed in the defendant's answer, or matter pregnant in writing, or of record; or upon contempt of the defendant in not appearing, or not answering, or trifling with the court by insufficient answering. For then it may be thought that the defendant stands out upon purpose to get the start at the common law, and so to take advantage of his own contempt; which may not be suffered.

As for injunctions for possessions, I shall maintain possessions as they were at the time of the bill exhibited; and for the space of a year at the least before, except the possession were gotten by force or any trick.

Neither will I alter possession upon interlocutory orders, until a decree; except upon matter plainly confessed in the defendant's answer, joined also with a plain disability and insolvency in the defendant to answer the profits.

As for taking of possession away in respect of contempts, I will have all the process of the court spent first, and a sequestration of the profits before I come to an injunction.

The fourth point is concerning the communicating of the authority of the chancellor too far; and making, upon the matter, too many chancellors, by relying too much upon the reports of the masters of the chancery as concludent. I know, my lords, the masters of the chancery are reverend men; and the great mass of the business of the court cannot be sped without them; and it is a thing the chancellor may soon fall into for his own ease, to rely too much upon them. But the course that I will take generally shall be this; I will make no binding order upon any report of one of the masters, without giving a seven-night's day at the least, to show cause against the report, which nevertheless I will have done modestly, and with due reverence towards them: and again, I must utterly discontinue the making of a hypothetical or conditional order; that if a master of the chancery do certify thus and thus, that then it is so ordered without farther motion; for that it is a surprise, and giveth no time for contradiction.

The last point of excess is, if a chancellor shall be so much of himself, as he shall neglect assistance of reverend judges in cases of difficulty, especially if they touch upon law, or calling them, shall do it but *pro forma tantum*, and give no due respect to their opinions: wherein, my lords, preserving the dignity and majesty of the court, which I account rather increased than diminished by grave and due assistance, I shall never be found so sovereign or abundant in mine own sense, but I shall both desire and make true use of assistance. Nay, I assure your lordships, if I should find any main diversity of opinion of my assistants from mine own, though I know well the judicature of the court wholly resteth in myself; yet I think I should have recourse to the oracle of the king's own judgment, before I should pronounce. And so much for the temperate use of the authority of this court; for surely the health of a court, as well as of a body, consisteth in temperance.

For the second commandment of his Majesty, touching staying of grants at the great seal; there may be just cause of stay, either in the matter of the grant, or in the manner of passing the same. Out of both which I extract these six principal cases which I will now make known: all which, nevertheless, I understand to be wholly submitted to his Majesty's will and pleasure, after by me he shall have been informed; for if *iteratum mandatum* be come, obedience is better than sacrifice.

The first case is, where any matter of revenue, or treasure, or profit, passeth from his Majesty; my first duty shall be to examine, whether the grant hath passed in the due and natural course by the great officers of the revenue, the lord treasurer and chancellor of the exchequer, and with their privity; which if I find it not to be, I must presume it to have passed in the dark, and by a kind of surreption; and I will make stay of it till his Majesty's pleasure be farther known.

Secondly, if it be a grant that is not merely vulgar, and hath not of course passed at the signet by a *fac simile*, but needeth science, my duty shall be to examine whether it hath passed by the learned counsel and had their docket; which is that his Majesty reads, and leads him. And if I find it otherwise, although the matter were not in itself inconvenient, yet I hold it a just cause of stay, for precedent's sake, to keep men in the right way.

Thirdly, if it be a grant which I conceive, out of my little knowledge, to be against the law; of which nature Theodosius was wont to say, when he was pressed, "I spake it, or I wrote it, but I granted it not if it be unjust:" I will call the learned counsel to it, as well him that drew the book as the rest, or some of them: and if we find cause, I will inform his Majesty of our opinion, either by myself or some of them. And as for the judges, they are judges of grants past, but not of grants to come, except the king call them.

Fourthly, if the grants be against the king's public book of bounty, I am expressly commanded to stay them until the king either revise his book in general, or give direction in particular.

Fifthly, if, as a counsellor of estate, I do foresee inconvenience to ensue by the grant in reason of estate, in respect of the king's honour, or discontent, and murmur of the people; I will not trust mine own judgment, but I will either acquaint his Majesty with it, or the council table, or some such of my lords as I shall think fit.

Lastly, for matter of pardons; if it be for treason, misprision, murder, either expressed or involute, by a *non-obstante;* or of piracy, or of *præmunire*, or of fines, or exemplary punishment in the star-chamber, or of some other natures; I shall, by the grace of God, stay them until his Majesty, who is the fountain of grace, may resolve between God and him, how far grace shall abound or super-abound.

And if it be of persons attainted and convicted of robbery, burglary, &c. then will I examine whether the pardons passed the hand of any justice of assize, or other commissioners, before whom the trial was made; and if not, I think it my duty also to stay them.

And your lordships see in this matter of the seal, and his Majesty's royal commandment concerning the same, I mean to walk in the light; so that men may know where to find me: and this publishing thereof plainly, I hope will save the king from a great deal of abuse, and me from a great deal of envy; when men shall see that no particular turn or end leads me, but a general rule.

For the third general head of his Majesty's precepts concerning speedy justice, it rests much upon myself, and much upon others; yet so, as my procuration may give some remedy and order to it. For myself, I am resolved that my decree shall come speedily, if not instantly, after the hearing, and my signed decree speedily upon my decree pronounced. For it hath been a manner much used of late in my last lord's time, of whom I learn much to imitate, and somewhat to avoid; that upon the solemn and full hearing of a cause nothing is pronounced in court, but breviates are required to be made; which I do not dislike in itself in causes perplexed. For I confess I have somewhat of the cunctative; and I am of opinion, that whosoever is not wiser upon advice than upon the sudden, the same man was no wiser at fifty than he was at thirty. And it was my father's ordinary word, "You must give me time." But yet I find, when such breviates were taken, the cause was sometimes forgotten a term or two, and then set down for a new hearing, three or four terms after. And in the mean time the subject's pulse beats swift, though the chancery pace be slow. Of which kind of intermission I see no use, and therefore I will promise regularly to pronounce my decree within few days after my hearing; and to sign my decree at the least in the vacation after the pronouncing. For fresh justice is the sweetest. And to the end that there be no delay of justice, nor any other means-making or labouring, but the labouring of the counsel at the bar.

Again, because justice is a sacred thing, and the end for which I am called to this place, and therefore is my way to heaven; and if it be shorter, it is never a whit the worse, I shall by the grace of God, as far as God will give me strength, add the afternoon to the forenoon, and some fourth night of the vacation to the term, for the expediting and clearing of the causes of the court; only the depth of the three long vacations I would reserve in some measure free from business of estate, and for studies, arts and sciences, to which in my own nature I am most inclined.

There is another point of true expedition, which resteth much in myself, and that is in my manner of giving orders. For I have seen an affectation of despatch turn utterly to delay at length: for the manner of it is to take the tale out of the counsellor at the bar his mouth, and to give a cursory order, nothing tending or conducing to the end of the business. It makes me remember what I heard one say of a judge that sat in chancery; that he would make forty orders in a morning out of the way, and it was out of the way indeed; for it was nothing to the end of the business: and this is that which makes sixty, eighty, a hundred orders in a cause,

to and fro, begetting one another; and like Penelope's web, doing and undoing. But I mean not to purchase the praise of expeditive in that kind; but as one that have a feeling of my duty, and of the case of others. My endeavour shall be to hear patiently, and to cast my order into such a mold as may soonest bring the subject to the end of his journey.

As for delays that may concern others, first, the great abuse is, that if the plaintiff have got an injunction to stay suits at the common law, then he will spin out his cause at length. But, by the grace of God, I will make injunctions but a hard pillow to sleep on; for if I find that he prosecutes not with effect, he may perhaps, when he is awake, find not only his injunction dissolved, but his cause dismissed.

There be other particular orders, I mean to take for *non* prosecution or faint prosecution, wherewith I will not trouble you now, because *summa sequar fastigia rerum.* And so much for matter of expedition.

Now for the fourth and last point of the king's commandment; for the cutting off unnecessary charge of the subject, a great portion of it is fulfilled in the precedent article; for it is the length of suits that doth multiply charges chiefly; but yet there are some other remedies that do conduce thereunto.

First, therefore, I will maintain strictly, and with severity, the former orders which I find my lord chancellor hath taken, for the immoderate and needless prolixity, and length of bills, and answers, and so forth; as well in punishing the party, as fining the counsel, whose hand I shall find at such bills, answers, &c.

Secondly, for all the examinations taken in the court, I do give charge unto the examiners, upon peril of losing their places, that they do not use any idle repetitions, or needless circumstances, in setting down the depositions taken by them; and I would I could help it likewise in the country, but that is almost impossible.

Thirdly, I shall take a diligent survey of the copies in chancery, that they have their just number of lines, and without open and wasteful writing.

Fourthly, I shall be careful there be no exaction of any new fees, but according as they have been heretofore set and tabled.

As for lawyers' fees, I must leave that to the conscience and merit of the lawyer; and the estimation and gratitude of the client: but this I can do; I know there have used to attend this bar a number of lawyers that have not been heard sometimes, and scarce once or twice in a term; and that makes the client seek to great counsel and favourites, as they call them, a term fitter for kings than judges, for every order that a mean lawyer might as well despatch. And therefore to help the generality of lawyers, and therein to ease the client, I will constantly observe that every Tuesday, and other days of orders, after nine o'clock strucken, I will hear the bar until eleven, or half an hour after ten at the least. And since I am upon the point whom I will hear, your lordships will give me leave to tell you a fancy. It falleth out, that there be three of us the king's servants in great places, that are lawyers by descent, Mr. Attorney son of a judge, Mr. Solicitor likewise son of a judge, and myself a chancellor's son.

Now because the law roots so well in my time, I will water it at the root thus far, as besides these great ones, I will hear any judge's son before a serjeant, and any serjeant's son before a reader, if there be not many of them.

Lastly, for the better ease of the subjects, and the bridling of contentious suits, I shall give better, that is greater, costs where the suggestions are not proved, than hath been hitherto used.

There be divers orders for the better reglement of this court; and for granting of writs, and for granting of benefices and others, which I shall set down in a table. But I will deal with no other to-day but such as have a proper relation to his Majesty's commandment; it being my comfort that I serve such a master, that I shall need to be but a conduit only for the conveying of his goodness to his people. And it is true, that I do affect and aspire to make good that saying, that "Optimus magistratus prestat optimæ legi;" which is true in his Majesty. But for myself, I doubt I shall not attain it. But yet I have a domestic example to follow. My lords, I have no more to say, but now I will go on to the business of the court.

THE SPEECH WHICH WAS USED

BY THE

LORD KEEPER OF THE GREAT SEAL,

IN THE STAR-CHAMBER BEFORE THE SUMMER CIRCUITS, THE KING BEING THEN IN SCOTLAND, 1617

The king, by his perfect declaration published in this place concerning judges and justices, hath made the speech of his chancellor, accustomed before the circuits, rather of ceremony than of use. For as in his book to his son he hath set forth a true character and platform of a king; so in this

his speech he hath done the like of a judge and justice: which showeth, that as his Majesty is excellently able to govern in chief; so he is likewise well seen and skilful in the inferior offices and stages of justice and government; which is a thing very rare in kings.

Yet nevertheless, somewhat must be said to fulfil an old observance; but yet upon the king's grounds, and very briefly: for, as Solomon saith in another case, "In these things who is he that can come after the king?"

First, You that are the judges of circuits are, as it were, the planets of the kingdom, I do you no dishonour in giving you that name, and no doubt you have a great stroke in the frame of this government, as the other have in the great frame of the world. Do therefore as they do, move always and be carried with the motion of your first mover, which is your sovereign. A popular judge is a deformed thing: and *plaudites* are fitter for players than for magistrates. Do good to the people, love them and give them justice; but let it be, as the Psalm saith, "nihil inde expectantes;" looking for nothing, neither praise nor profit.

Yet my meaning is not, when I wish you to take heed of popularity, that you should be imperious and strange to the gentlemen of the country. You are above them in power, but your rank is not much unequal; and learn this, that power is ever of greatest strength, when it is civilly carried.

Secondly, You must remember, that besides your ordinary administration of justice, you do carry the two glasses or mirrors of the state; for it is your duty in these your visitations, to represent to the people the graces and care of the king: and again, upon your return, to present to the king the distastes and griefs of the people.

Mark what the king says in his book: "Procure reverence to the king and the law; inform my people truly of me, (which, we know, is hard to do according to the excellency of his merit; but yet endeavour it,) how zealous I am for religion; how I desire law may be maintained and flourish; that every court should have its jurisdiction; that every subject should submit himself to the law." And of this you have had of late no small occasion of notice and remembrance, by the great and strait charge that the king hath given me as keeper of his seal for the governing of the chancery without tumour or excess.

Again, *e re nata*, you at this present ought to make the people know and consider the king's blessed care and providence in governing this realm in his absence; so that sitting at the helm of another kingdom, not without great affairs and business; yet he governs all things here by his letters and directions, as punctually and perfectly as if he were present.

I assure you, my lords of the council, and I do much admire the extension and latitude of his care in all things.

In the high commission he did conceive a sinew of government was a little shrunk; he recommended the care of it.

He hath called for the accounts of the last circuit from the judges to be transmitted unto him in Scotland.

Touching the infestation of pirates, he hath been careful, and is, and hath put things in a way.

All things that concern the reformation or the plantation of Ireland, he hath given in them punctual and resolute directions. All this is in absence.

I give but a few instances of a public nature; the secrets of council I may not enter into, though his despatches into France, Spain, and the Low Countries, now in his absence, are also notorious as to the outward sending. So that I must conclude that his Majesty wants but more kingdoms, for I see he could suffice to all.

As for the other glass I told you of, of representing to the king the griefs of his people, without doubt it is properly your part; for the king ought to be informed of any thing amiss in the state of his countries from the observations and relations of the judges, that indeed know the pulse of the country, rather than from discourse. But for this glass, thanks be to God, I do hear from you all, that there was never greater peace, obedience, and contentment in the country; though the best governments be always like the fairest crystals, wherein every little icicle or grain is seen, which in a fouler stone is never perceived.

Now to some particulars, and not many: of all other things I must begin as the king begins; that is, with the cause of religion, and especially the hollow church-papist. St. Augustin hath a good comparison of such men, affirming that they are like the roots of nettles, which themselves sting not, but they bear all the stinging leaves: let me know of such roots, and I will root them out of the country.

Next, for the matter of religion; in the principal place I recommend both to you and to the justices, the countenancing of godly and zealous preachers. I mean not sectaries or novelists, but those which are sound and conform, and yet pious and reverend: for there will be a perpetual defection, except you keep men in by preaching, as well as law doth by punishing; and commonly spiritual diseases are not cured but by spiritual remedies.

Next, let me commend unto you the repressing, as much as may be, of faction in the countries, of which ensue infinite inconveniences, and perturbations of all good order, and crossing of all good service in court or country, or wheresoever. Cicero, when he was consul, had devised a fine remedy, a mild one, but an effectual and apt one, for he saith, "Eos, qui otium perturbant, reddam otiosos." Those that trouble others' quiet, I will give them quiet: they shall have nothing to do, nor no authority shall be put into their hands. If I may know from you, of any who are in the country that are heads or hands of faction, or men of turbulent spirits; I shall give them Cicero's reward, as much as in me is.

To conclude, study the king's book, and study yourselves how you profit by it, and all shall be well. And you the justices of peace in particular, let me say this to you, never king of this realm did you so much honour as the king hath done you in

his speech, by being your immediate director, and by sorting you and your service with the service of ambassadors, and of his nearest attendance. Nay more, it seems his Majesty is willing to do the state of justice of peace honour actively also; by bringing in with time the like form or commission into the government of Scotland, as that glorious king, Edward the third, did plant this commission here in this kingdom. And therefore you are not fit to be copies, except you be fair written without blots or blurs, or any thing unworthy your authority: and so I will trouble you no longer for this time.

THE SPEECH USED

BY SIR FRANCIS BACON,

LORD KEEPER OF THE GREAT SEAL OF ENGLAND,

TO SIR WILLIAM JONES,

UPON HIS CALLING TO BE LORD CHIEF JUSTICE OF IRELAND, 1617.

SIR WILLIAM JONES,

THE king's most excellent Majesty being duly informed of your sufficiency every way, hath called you, by his writ now returned, to the state and degree of a serjeant at law, but not to stay there, but, being so qualified, to serve him as his chief justice of his king's bench in his realm of Ireland. And therefore that which I shall say to you, must be applied not to your serjeant's place, which you take but in passage, but to that great place where you are to settle; and because I will not spend time to the delay of the business of causes of the court, I will lead you the short journey by examples, and not the long by precepts.

The place that you shall now serve in, hath been fortunate to be well served in four successions before you: do but take unto you the constancy and integrity of Sir Robert Gardiner; the gravity, temper, and direction of Sir James Lea; the quickness, industry, and despatch of Sir Humphry Winch; the care and affection to the commonwealth, and the prudent and politic administration of Sir John Denham, and you shall need no other lessons. They were all Lincoln's-Inn men as you are, you have known them as well in their beginnings, as in their advancement.

But because you are to be there not only chief justice, but a counsellor of estate, I will put you in mind of the great work now in hand, that you may raise your thoughts according unto it. Ireland is the last *ex filiis Europæ*, which hath been reclaimed from desolation, and a desert, in many parts, to population and plantation; and from savage and barbarous customs to humanity and civility. This is the king's work in chief: it is his garland of heroical virtue and felicity, denied to his progenitors, and reserved to his times. The work is not yet conducted to perfection, but is in fair advance: and this I will say confidently, that if God bless this kingdom with peace and justice, no usurer is so sure in seven years' space to double his principal with interest, and interest upon interest, as that kingdom is within the same time to double the stock both of wealth and people. So as that kingdom, which once within these twenty years wise men were wont to doubt whether they should wish it to be in a pool, is like now to become almost a garden, and younger sister to Great Britain. And therefore you must set down with yourself to be not only a just governor, and a good chief justice, as if it were in England, but under the king and the deputy you are to be a master builder, and a master planter, and reducer of Ireland. To which end, I will trouble you at this time but with three directions.

The first is, that you have special care of the three plantations. That of the north, which is in part acted; that of Wexford, which is now in distribution; and that of Longford and Letrim, which is now in survey. And take this from me, that the bane of a plantation is, when the undertakers or planters make such haste to a little mechanical present profit, as disturbeth the whole frame and noblenes of the work for times to come. Therefore hold them to their covenants, and the strict ordinances of plantation.

The second is, that you be careful of the king's revenue, and by little and little constitute him a good demesne, if it may be, which hitherto is little or none. For the king's case is hard, when every man's land shall be improved in value with increase manifold, and the king shall be tied to his dry rent.

My last direction, though first in weight, is, that you do all good endeavours to proceed resolutely and constantly, and yet with due temperance and equality, in matters of religion; lest Ireland civil become more dangerous to us than Ireland savage. So God give you comfort of your place.

After Sir William Jones's speech:

I had forgotten one thing, which was this. You may take exceeding great comfort, that you shall serve with such a deputy; one that, I think, is a man ordained of God to do great good to that kingdom, and this I think good to say to you, that the true temper of a chief justice towards a deputy is, neither servilely to second him, nor factiously to oppose him.

THE LORD KEEPER'S SPEECH,

IN THE EXCHEQUER,

TO SIR JOHN DENHAM,

WHEN HE WAS CALLED TO BE ONE OF THE BARONS OF THE EXCHEQUER, IN 1617.

Sir John Denham,

The king, of his grace and favour, hath made choice of you to be one of the barons of the exchequer, to succeed to one of the gravest and most reverend judges of this kingdom; for so I hold baron Altham was. The king takes you not upon credit but proof, and great proof of your former service; and that in both those kinds wherein you are now to serve: for as you have showed yourself a good judge between party and party, so you have showed yourself a good administer of the revenue, both when you were chief baron, and since as counsellor of estate there in Ireland, where the council, as you know, doth in great part manage and messuage the revenue.

And to both these parts I will apply some admonitions, but not vulgar or discursive, but apt for the times, and in few words, for they are best remembered.

First therefore, above all you ought to maintain the king's prerogative, and to set down with yourself, that the king's prerogative and the law are not two things; but the king's prerogative is law, and the principal part of the law, the first-born or *pars prima* of the law; and therefore in conserving or maintaining that, you conserve and maintain the law. There is not in the body of man one law of the head, and another of the body, but all is one entire law.

The next point that I would now advise you is, that you acquaint yourself diligently with the revenue; and also with the ancient records and precedents of this court. When the famous case of the copper-mines was argued in this court, and judged for the king, it was not upon the fine reasons of wit; as that the king's prerogative drew to it the chief *in quaque specie:* the lion is the chief of beasts, the eagle the chief of birds, the whale the chief of fishes, and so copper the chief of minerals; for these are but dalliances of law and ornaments: but it was the grave records and precedents that grounded the judgment of that cause; and therefore I would have you both guide and arm yourself with them against these vapours and fumes of law, which are extracted out of men's inventions and conceits.

The third advice I will give you hath a large extent; it is, that you do your endeavour in your place so to manage the king's justice and revenue, as the king may have most profit, and the subject less vexation: for when there is much vexation to the subject, and little benefit to the king, then the exchequer is sick; and when there is much benefit to the king, with less trouble and vexation to the subject, then the exchequer is sound. As for example; if there shall be much racking for the king's old debts, and the more fresh and late debts shall be either more negligently called upon, or over-easily discharged, or over-indulgently stalled; or if the number of informations be many, and the king's part or fines for compositions a trifle; or if there be much ado to get the king new land upon concealments, and that which he hath already be not known and surveyed, nor the woods preserved, (I could put you many other cases,) this falls within that which I term the sick estate of the exchequer: and this is that which makes every man ready with their undertakings and their projects to disturb the ancient frame of the exchequer; than the which, I am persuaded, there is not a better, this being the burden of the song: That much goeth out of the subject's purse, and little cometh to the king's purse. Therefore, give them not that advantage so to say. Sure I am, that besides your own associates, the barons, you serve with two superior great officers, that have honourable and true ends, and desire to serve the king and right the subject.

There resteth, that I deliver you your patent.

HIS LORDSHIP'S SPEECH, IN THE COMMON-PLEAS,

TO JUSTICE HUTTON,

WHEN HE WAS CALLED TO BE ONE OF THE JUDGES OF THE COMMON-PLEAS.

Mr. Serjeant Hutton,

The king's most excellent Majesty, being duly informed of your learning, integrity, discretion, experience, means, and reputation in your country, hath thought fit not to leave you these talents to be employed upon yourself only, but to call you to serve himself, and his people, in the place of one of his justices of the court of common-pleas.

This court where you are to serve, is the local centre and heart of the laws of this realm: here the subject hath his assurance by fines and recoveries; here he hath his fixed and invariable remedies by *præcipes* and writs of right; here justice opens not by a by-gate of privilege, but by the great gate of the king's original writs out of the chancery. Here issues process of outlawry; if men will not answer law in this centre of law, they shall be cast out. And therefore it is proper for you, by all means, with your wisdom and fortitude, to maintain the laws of the realm: wherein, nevertheless, I would not have you head-strong, but heart-strong; and to weigh and remember with yourself, that the twelve judges of the realm are as the twelve lions under Solomon's throne: they must show their stoutness in elevating and bearing up the throne. To represent unto you the lines and portraitures of a good judge:

The first is, that you should draw your learning out of your books, not out of your brain.

2. That you should mix well the freedom of your own opinion with the reverence of the opinion of your fellows.

3. That you should continue the studying of your books, and not to spend on upon the old stock.

4. That you should fear no man's face, and yet not turn stoutness into bravery.

5. That you should be truly impartial, and not so as men may see affection through fine carriage.

6. That you should be a light to jurors to open their eyes, but not a guide to lead them by the noses.

7. That you affect not the opinion of pregnancy and expedition by an impatient and catching hearing of the counsellors at the bar.

8. That your speech be with gravity, as one of the sages of the law; and not talkative, nor with impertinent flying out to show learning.

9. That your hands, and the hands of your hands, I mean those about you, be clean, and uncorrupt from gifts, from meddling in titles, and from serving of turns, be they of great ones or small ones.

10. That you contain the jurisdiction of the court within the ancient merestones, without removing the mark.

11. Lastly, That you carry such a hand over your ministers and clerks, as that they may rather be in awe of you, than presume upon you.

These and the like points of the duty of a judge, I forbear to enlarge; for the longer I have lived with you, the shorter shall my speech be to you; knowing that you come so furnished and prepared with these good virtues, as whatsoever I shall say cannot be new unto you; and therefore I will say no more unto you at this time, but deliver you your patent.

ORDINANCES MADE

BY THE LORD CHANCELLOR BACON,

FOR THE BETTER AND MORE REGULAR ADMINISTRATION OF JUSTICE IN THE CHANCERY,

TO BE DAILY OBSERVED, SAVING THE PREROGATIVE OF THE COURT.

Decrees. No decree shall be reversed, altered, or explained, being once under the great seal, but upon bill of review: and no bill of review shall be admitted, except it contain either error in law, appearing in the body of the decree, without farther examination of matters in fact, or some new matter which hath risen in time after the decree, and not any new proof which might have

been used when the decree was made: nevertheless upon new proof, that is come to light after the decree made, and could not possibly have been used at the time when the decree passed, a bill of review may be grounded by the special licence of the court, and not otherwise.

2. In case of miscasting, being a matter demonstrative, a decree may be explained, and reconciled by an order without a bill of review; not understanding, by miscasting, any pretended misrating or misvaluing, only error in the auditing or numbering.

3. No bill of review shall be admitted, or any other new bill, to change matter decreed, except the decree be first obeyed and performed: as, if it be for land, that the possession be yielded; if it be for money, that the money be paid; if it be for evidences, that the evidences be brought in; and so in other cases which stand upon the strength of the decree alone.

4. But if any act be decreed to be done which extinguisheth the parties' right at the common law, as making of assurance or release, acknowledging satisfaction, cancelling of bonds, or evidences, and the like; those parts of the decree are to be spared until the bill of review be determined; but such sparing is to be warranted by public order made in court.

5. No bill of review shall be put in, except the party that prefers it enter into recognisances with sureties for satisfying of costs and damages for the delay, if it be found against them.

6. No decrees shall be made, upon pretence of equity, against the express provision of an act of parliament: nevertheless if the construction of such act of parliament hath for a time gone one way in general opinion and reputation, and after by a later judgment hath been controlled, then relief may be given upon matter of equity, for cases arising before the said judgment, because the subject was in no default.

7. Imprisonment for breach of a decree is in nature of an execution, and therefore the custody ought to be strait, and the party not to have any liberty to go abroad, but by special licence of the lord chancellor; but no close imprisonment is to be, but by express order for wilful and extraordinary contempts and disobedience, as hath been used.

8. In case of enormous and obstinate disobedience in breach of a decree, an injunction is to be granted *sub pœna* of a sum; and upon affidavit, or other sufficient proof, of persisting in contempt, fines are to be pronounced by the lord chancellor in open court, and the same to be estreated down into the hanaper, if cause be, by a special order.

9. In case of a decree made for the possession of land, a writ of execution goes forth: and if that be disobeyed, then process of contempt according to the course of the court against the person, unto a commission of rebellion; and then a serjeant at arms by special warrant: and in case the serjeant at arms cannot find him, or be resisted; or upon the coming in of the party, and his commitment, if he persist in disobedience, an injunction is to be granted for the possession; and in case also that be disobeyed, then a commission to the sheriff to put him into possession.

10. Where the party is committed for the breach of a decree, he is not to be enlarged until the decree be fully performed in all things, which are to be done presently. But if there be other parts of the decree to be performed at days or times to come, then he may be enlarged by order of the court upon recognisance, with sureties to be put in for the performance thereof *de futuro*, otherwise not.

11. Where causes come to a hearing in court, no decree bindeth any person who was not served with process *ad audiendum judicium*, according to the course of the court, or did appear *gratis* in person in court.

12. No decree bindeth any that cometh in *bona fide*, by conveyance from the defendant before the bill exhibited, and is made no party, neither by bill nor the order: but where he comes in *pendente lite*, and while the suit is in full prosecution, and without any colour of allowance or privity of the court, there regularly the decree bindeth; but if there were any intermission of suit, or the court made acquainted with the conveyance, the court is to give order upon the special matter according to justice.

Dismissions.

13. Where causes are dismissed upon full hearing, and the dismission signed by the lord chancellor, such causes shall not be retained again, nor new bill exhibited, except it be upon new matter, like to the case of the bill of review.

14. In case of all other dismissions, which are not upon hearing of the cause, if any new bill be brought, the dismission is to be pleaded; and after reference and report of the contents of both suits, and consideration taken of the former orders and dismission, the court shall rule the retaining or dismissing of the new bill, according to justice and nature of the case.

15. All suits grounded upon wills nuncupative, leases parol, or upon long leases that tend to the defeating of the king's tenures, or for the establishing of perpetuities, or grounded upon remainders put into the crown, to defeat purchasers; or for brokage or rewards to make marriages; or for bargains at play and wagers; or for bargains for offices contrary to the statute of 5 and 6 Ed. VI.; or for contracts upon usury or simony, are regularly to be dismissed upon motion, if they be the sole effect of the bill; and if there be no special circumstances to move the court to allow their proceedings, and all suits under the value of ten pounds, are regularly to be dismissed. *V. postea*, § 58, 60.

16. Dismissions are properly to be prayed, and had, either upon hearing, or upon plea unto the bill, when the cause comes first into court; but dismissions are not to be prayed after the parties have been at charge of examination, except it be upon special cause.

17. If the plaintiff discontinue the prosecution, after all the defendants have answered, above the space of one whole term, the cause is to be dismissed of course without any motion; but after replication put in, no cause is to be dismissed without motion and order of the court.

Election of suits.

18. Double vexation is not to be admitted; but if the party sue for the same cause at the common law and in chancery, he is to have a day given to make this election where he will proceed, and in default of making such election to be dismissed.

Certiorari.

19. Where causes are removed by special *certiorari* upon a bill containing matter of equity, the plaintiff is, upon receipt of his writ, to put in bond to prove his suggestions within fourteen days after the receipt; which if he do not prove, then upon certificate from either of the examiners, presented to the lord chancellor, the cause shall be dismissed with costs, and a *procedendo* to be granted.

Injunction.

20. No injunction of any nature shall be granted, dissolved, or stayed upon any private petition.

21. No injunction to stay suits at the common law shall be granted upon priority of suit only, or upon surmise of the plaintiff's bill only; but upon matter confessed in the defendant's answer, or matter of record, or writing plainly appearing, or when the defendant is in contempt for not answering, or that the debt desired to be stayed appeareth to be old, and hath slept long, or the creditor or the debtor hath been dead some good time before the suit brought.

22. Where the defendant appears not, but sits an attachment; or when he doth appear, and departs without answer, and is under attachment for not answering; or when he takes oath he cannot answer without sight of evidences in the country; or where after answer he sues at common law by attorney, and absents himself beyond the sea: in these cases an injunction is to be granted for the stay of all suits at the common law, until the party answer or appear in person in court, and the court give farther order: but nevertheless upon answer put in, if there be no motion made the same term, or the next general seal after the term, to continue the injunction in regard of the insufficiency of the answer put in, or in regard of matter confessed in the answer, then the injunction to die and dissolve without any special order.

23. In the case aforesaid, where an injunction is to be awarded for stay of suits at the common law, if the like suit be in the chancery, either by *scire facias*, or privilege, or English bill, then the suit is to be stayed by order of the court, as it is in other courts by injunction, for that the court cannot enjoin itself.

24. Where an injunction hath been obtained for staying of suits, and no prosecution is had for the space of three terms, the injunction is to fall of itself without farther motion.

25. Where a bill comes in after an arrest at the common law for debt, no injunction shall be granted without bringing the principal money into court, except there appear in the defendant's answer, or by sight of writings, plain matter tending to discharge the debt in equity: but if an injunction be awarded and disobeyed, in that case no money shall be brought in, or deposited, in regard of the contempt.

26. Injunctions for possession are not to be granted before a decree, but where the possession hath continued by the space of three years, before the bill exhibited, and upon the same title; and not upon any title by lease, or otherwise determined.

27. In case where the defendant sits all the process of contempt, and cannot be found by the serjeant at arms, or resists the serjeant, or makes rescue, a sequestration shall be granted of the land in question; and if the defendant render not himself within the year, then an injunction for the possession.

28. Injunctions against felling of timber, ploughing up of ancient pastures, or for the maintaining of enclosures or the like, shall be granted according to the circumstances of the case; but not in case where the defendant upon his answer claimeth an estate of inheritance, except it be where he claimeth the land in trust, or upon some other special ground.

Sequestrations.

29. No sequestration shall be granted but of lands, leases, or goods in question, and not of any other lands or goods, not contained in the suits.

30. Where a decree is made for rent to be paid out of land, or a sum of money to be levied out of the profits of land, there a sequestration of the same lands, being in the defendant's hands, may be granted.

31. Where the decrees of the provincial council, or of the court of requests, or the queen's court, are by contumacy or other means interrupted; there the court of chancery, upon a bill preferred for corroborations of the same jurisdictions, decrees, and sentences, shall give remedy.

32. Where any cause comes to a hearing, that hath been formerly decreed in any other of the king's courts at Westminster, such decree shall be first read, and then to proceed to the rest of the evidence on both sides.

Suits after judgment.

33. Suits after judgment may be admitted according to the ancient custom of the chancery, and the late royal decision of his Majesty, of record, after solemn and great deliberation: but in such suits it is ordered, that bond be put in with good sureties to prove the suggestions of the bill.

34. Decrees upon suits brought after judgment shall contain no words to make void or weaken the judgment, but shall only correct the corrupt conscience of the party, and rule him to make restitution, or perform other acts, according to the equity of the cause.

Orders, and the office of the registers.

35. The registers are to be sworn, as hath been lately ordered.

36. If any order shall be made, and the court not informed of the last material order formerly made, no benefit shall be taken by such order, as granted by abuse and surreption; and to

that end the registers ought duly to mention the former order in the later.

37. No order shall be explained upon any private petition but in court as they are made, and the register is to set down the orders as they were pronounced by the court, truly, at his peril, without troubling the lord chancellor, by any private attending of him, to explain his meaning; and if any explanation be desired, it is to be done by public motion, where the other party may be heard.

38. No draught of any order shall be delivered by the register to either party, without keeping a copy by him, to the end that if the order be not entered, nevertheless the court may be informed what was formerly done, and not put to new trouble and hearing; and to the end also that knowledge of orders be not kept back too long from either party, but may presently appear at the office.

39. Where a cause hath been debated upon hearing of both parties, and opinion hath been delivered by the court, and nevertheless the cause referred to treaty, the registers are not to omit the opinion of the court, in drawing of the order of reference, except the court doth specially declare that it be entered without any opinion either way; in which case nevertheless the registers are out of their short note to draw up some more full remembrance of that that passed in court, to inform the court if the cause come back and cannot be agreed.

40. The registers, upon sending of their draught unto the counsel of the parties, are not to respect the interlineations, or alterations of the said counsel, be the said counsel never so great, farther, than to put them in remembrance of that which was truly delivered in court, and so to conceive the order, upon their oath and duty, without any farther respect.

41. The registers are to be careful in the penning and drawing up of decrees, and special matters of difficulty and weight; and therefore when they present the same to the lord chancellor, they ought to give him understanding which are such decrees of weight, that they may be read and reviewed before his lordship sign them.

42. The decrees granted at the rolls are to be presented to his lordship, with the orders whereupon they are drawn, within two or three days after every term.

43. Injunctions for possession, or for stay of suits after verdict, are to be presented to his lordship, together with the orders whereupon they go forth, that his lordship may take consideration of the order before he sign them.

44. Where any order upon the special nature of the case shall be made against any of these general rules, there the register shall plainly and expressly set down the particulars, reasons and grounds, moving the court to vary from the general use.

References.

45. No reference upon a demurrer, or question touching the jurisdiction of the court, shall be made to the masters of the chancery; but such demurrers shall be heard and ruled in court, or by the lord chancellor himself.

46. No order shall be made for the confirming or ratifying of any report without day first given, by the space of a seven-night at the least, to speak to it in court.

47. No reference shall be made to any masters of the court, or any other commissioners to hear and determine where the cause is gone so far as to examination of witnesses, except it be in special causes of parties near in blood, or of extreme poverty, or by consent and general reference of the estate of the cause, except it be by consent of the parties to be sparingly granted.

48. No report shall be respected in court, which exceedeth the warrant of the order of reference.

49. The masters of the court are required not to certify the state of any cause, as if they would make breviate of the evidence on both sides, which doth little ease the court, but with some opinion; or otherwise, in case they think it too doubtful to give opinion, and therefore make such special certificate, the cause is to go on to a judicial hearing, without respect had to the same.

50. Matters of account, unless it be in very weighty causes, are not fit for the court, but to be prepared by reference, with this difference nevertheless, that the cause comes first to a hearing; and upon the entrance into a hearing, they may receive some direction, and be turned over to have the accounts considered, except both parties, before a hearing, do consent to a reference of the examination of the accounts, to make it more ready for a hearing.

51. The like course to be taken for the examination of court rolls, upon customs and copies, which shall not be referred to any one master, but to two masters at the least.

52. No reference to be made of the insufficiency of an answer, without showing of some particular point of the defect, and not upon surmise of the insufficiency in general.

53. Where a trust is confessed by the defendant's answer, there needeth no farther hearing of the cause, but a reference presently to be made upon the account, and so to go on to a hearing of the accounts.

Suits in court.

54. In all suits where it shall appear, upon the hearing of the cause, that the plaintiff had not *probabilem causam litigandi*, he shall pay unto the defendant his utmost costs, to be assessed by the court.

Bills, demurrers, answers, pleadings, and copies.

55. If any bill, answers, replication, or rejoinder, shall be found of an immoderate length, both the party and the counsel under whose hand it passeth shall be fined.

56. If there be contained in any bill, answer, or other pleadings, or any interrogatory, any matter libellous or slanderous against any that is not party to the suit, or against such as are parties to the suit, upon matters impertinent, or in derogation of the settled authorities of any of his Majesty's courts; such bills, answers, pleadings, or interrogatories shall be taken off the file and suppressed, and the parties severally punished by commitment or ignominy, as shall be thought fit, for the abuse of the court; and

the counsellors at law, who have set their hands, shall likewise receive reproof or punishment, if cause be.

57. Demurrers and pleas which tend to discharge the suit shall be heard first upon every day of orders, that the subject may know whether he shall need farther attendance or no.

58. A demurrer is properly upon matter defective, contained in the bill itself, and no foreign matter; but a plea is of foreign matter to discharge or stay the suit, as that the cause hath been formerly dismissed, or that the plaintiff is outlawed, or excommunicated; or there is another bill depending for the same cause, or the like: and such plea may be put in without oath, in case where the matter of the plea appear upon record; but if it be any thing that doth not appear upon record the plea must be upon oath.

59. No plea of outlawry shall be allowed without pleading the record *sub pede sigilli;* nor plea of excommunication, without the seal of the ordinary.

60. Where any suit appeareth upon the bill to be of the natures which are regularly to be dismissed according to the fifteenth ordinance, such matter is to be set forth by way of demurrer.

61. Where an answer shall be certified insufficient, the defendant is to pay costs: and if a second answer be returned insufficient, in the points before certified insufficient, then double costs, and upon the third treble costs, and upon the fourth quadruple costs, and then to be committed also until he hath made a perfect answer, and to be examined upon interrogatories touching the points defective in his answer; but if any answer be certified sufficient, the plaintiff is to pay costs.

62. No insufficient answer can be taken hold of after replication put in, because it is admitted sufficient by the replication.

63. An answer to a matter charged as the defendant's own fact must be direct, without saying it is to his remembrance, or as he believeth, if it be laid down within seven years before; and if the defendant deny the fact, he must traverse it directly, and not by way of negative pregnant; as if a fact be laid to be done with divers circumstances, the defendant may not traverse it literally as it is laid in the bill, but must traverse the point of substance; so if he be charged with the receipt of one hundred pounds, he must traverse that he hath not received a hundred pounds, or any part thereof; and if he have received part, he must set forth what part.

64. If a hearing be prayed upon bill and answer, the answer must be admitted to be true in all points, and a decree ought not to be made, but upon hearing the answer read in court.

65. Where no counsel appears for the defendant at the hearing, and the process appears to have been served, the answer of such defendant is to be read in court.

66. No new matter is to be contained in any replication, except it be to avoid matter set forth in the defendant's answer.

67. All copies in chancery shall contain fifteen lines in every sheet thereof, written orderly and unwastefully, unto which shall be subscribed the name of the principal clerk of the office where it is written, or his deputy, for whom he will answer, for which only subscription no fee at all shall be taken.

Commissions, examinations and depositions.

68. All commissions for examination of witnesses shall be *super interr. inclusis* only, and no return of depositions into the court shall be received, but such only as shall be either comprised in one roll, subscribed with the name of the commissioners, or else in divers rolls, whereof each one shall be so subscribed.

69. If both parties join in commission, and upon warning given the defendant bring his commissioners, but produceth no witnesses, nor ministereth interrogatories, but after seek a new commission, the same shall not be granted: but nevertheless upon some extraordinary excuse of the defendant's default, he may have liberty granted by special order to examine his witnesses in court upon the former interrogatories, giving the plaintiff or his attorney notice, that he may examine also if he will.

70. The defendant is not to be examined upon interrogatories, except it be in very special cases, by express order of the court, to sift out some fraud or practice pregnantly appearing to the court, or otherwise upon offer of the plaintiff to be concluded by the answer of the defendant without any liberty to disprove such answer, or to impeach him after of perjury.

71. Decrees in other courts may be read upon hearing without the warrant of any special order but no depositions taken in any other court are to be read but by special order; and regularly the court granteth no order for reading of depositions except it be between the same parties, and upon the same title and cause of suit.

72. No examination is to be had of the credit of any witness but by special order, which is sparingly to be granted.

73. Witnesses shall not be examined *in perpetuam rei memoriam*, except it be upon the ground of a bill first put in, and answer thereunto made, and the defendant or his attorney made acquainted with the names of the witnesses that the plaintiff would have examined, and so publication to be of such witnesses; with this restraint nevertheless, that no benefit shall be taken of the depositions of such witnesses, in case they may be brought *viva voce* upon the trial, but only to be used in case of death before the trial, or age, or impotency, or absence out of the realm at the trial.

Ad informandam conscientiam judicis.

74. No witnesses shall be examined after publication, except it be by consent, or by special order, *ad informandam conscientiam judicis*, and then to be brought close sealed up to the court to peruse or publish, as the court shall think good.

Affidavits.

75. No affidavit shall be taken or admitted by any master of the chancery,

tending to the proof or disproof of the title, or matter in question, or touching the merits of the cause; neither shall any such matter be colourably inserted in any affidavit for serving of process.

76. No affidavit shall be taken against affidavit, as far as the masters of the chancery can have knowledge; and if any such be taken, the latter affidavit shall not be used nor read in court.

77. In case of contempts grounded upon force or ill words, upon serving of process, or upon words of scandal of the court, proved by affidavit, the party is forthwith to stand committed; but for other contempts against the orders or decrees of the court an attachment goes forth, first, upon affidavit made, and then the party is to be examined upon interrogatories, and his examination referred; and if upon his examination he confess matter of contempt, he is to be committed; if not, the adverse party may examine witnesses to prove the contempt: and therefore if the contempt appear, the party is to be committed; but if not, or if the party that pursues the contempt do fail in putting in interrogatories, or other prosecution, or fail in the proof of the contempt, then the party charged with the contempt is to be discharged with good costs.

78. They that are in contempt, specially so far as proclamation of rebellion, are not to be heard, neither in that suit, nor any other, except the court of special grace suspend the contempt.

79. Imprisonment upon contempt for matters past may be discharged of grace, after sufficient punishment, or otherwise dispensed with: but if the imprisonment be not for performance of any order of the court in force, they ought not to be discharged except they first obey, but the contempt may be suspended for a time.

80. Injunctions, sequestrations, dismissions, retainers upon dismissions, or final orders, are not to be granted upon petitions.

81. No former order made in court is to be altered, crossed, or explained upon any petition; but such orders may be stayed upon petition for a small stay, until the matter may be moved in court.

82. No commission for examination of witnesses shall be discharged; nor no examinations or depositions shall be suppressed upon petition, except it be upon point of course of the court first referred to the clerks, and certificate thereupon.

83. No demurrer shall be overruled upon petition.

84. No *scire facias* shall be awarded upon recognisances not enrolled, nor upon recognisances enrolled, unless it be upon examination of the record with the writ; nor no recognisance shall be enrolled after the year, except it be upon special order from the lord chancellor.

85. No writ of *ne exeat regnum*, prohibition, consultation, statute of Northampton, *certiorari* special, or *procedendo* special, or *certiorari* or *procedendo* general, more than once in the same cause; *habeas corpus*, or *corpus cum causa*, *vi laica removend'*, or restitution thereupon, *de coronatore et viridario eligendo*, in case of a moving *de homine repleg. assiz.* or special patent, *de ballivo amovend'*, *certiorari super præsentationibus fact. coram commissariis sewar*,' or *ad quod dampnum*, shall pass without warrant under the lord chancellor's hand, and signed by him, save such writs *ad quod dampnum*, as shall be signed by master attorney.

86. Writs of privilege are to be reduced to a better rule, both for the number of persons that shall be privileged, and for the case of the privilege: and as for the number, it shall be set down by schedule: for the case, it is to be understood, that besides persons privileged as attendants upon the court, suitors and witnesses are only to have privilege, *eundo, redeundo, et morando*, for their necessary attendance, and not otherwise; and that such writ of privilege dischargeth only an arrest upon the first process, but yet, where at such times of necessary attendance the party is taken in execution, it is a contempt to the court, and accordingly to be punished.

87. No *supplicavit* for the good behaviour shall be granted, but upon articles grounded upon the oath of two at the least, or certificate of any one justice of assize, or two justices of the peace, with affidavit that it is their hands, or by order of the star-chamber, or chancery, or other of the king's courts.

88. No recognisance of the good behaviour, or the peace, taken in the country, and certified into the petty bag, shall be filed in the year without warrant from the lord chancellor.

89. Writs of *ne exeat regnum* are properly to be granted according to the suggestion of the writ, in respect of attempts prejudicial to the king and state, in which case the lord chancellor will grant them upon prayer of any the principal secretaries without cause showing, or upon such information as his lordship shall think of weight; but otherwise also they may be granted, according to the practice of long time used, in case of interlopers in trade, great bankrupts, in whose estate many subjects are interested, or other cases that concern multitudes of the king's subjects, also in case of duels, and divers others.

90. All writs, certificates, and whatsoever other process *ret. coram Rege in Canc.* shall be brought into the chapel of the rolls, within convenient time after the return thereof, and shall be there filed upon their proper files and bundles as they ought to be; except the depositions of witnesses, which may remain with any of the six clerks by the space of one year next after the cause shall be determined by decree, or otherwise be dismissed.

91. All injunctions shall be enrolled, or the transcript filed, to the end that if occasion be, the court may take order to award writs of *scire facias* thereupon, as in ancient time hath been used.

92. All days given by the court to sheriffs to return their writs or bring in their prisoners upon writs of privilege, or otherwise between party and party, shall be filed, either in the register's office, or in the petty bag respectively; and all recognisances taken to the king's use or unto the court, shall be duly enrolled in convenient time, with the clerks of the enrolment, and calendars made of them, and the calendars every Michaelmas term to be presented to the lord chancellor.

93. In case of suits upon the commissions for

charitable uses, to avoid charge, there shall need no bill, but only exceptions to the decree, and answer forthwith to be made thereunto; and thereupon, and upon sight of the inquisition, and the decree brought unto the lord chancellor by the clerk of the petty bag, his lordship upon perusal thereof, will give order under his hand for an absolute decree to be drawn up.

94. Upon suit for the commission of sewers, the names of those that are desired to be commissioners are to be presented to the lord chancellor in writing; then his lordship will send the names of some privy counsellor, lieutenant of the shire, or justices of assize, being resident in the parts for which the commission is prayed, to consider of them, that they be not put in for private respects; and upon the return of such opinion, his lordship will give farther order for the commission to pass.

95. No new commission of sewers shall be granted while the first is in force, except it be upon discovery of abuse or fault in the first commissioners, or otherwise upon some great or weighty ground.

96. No commission of bankrupt shall be granted but upon petition first exhibited to the lord chancellor together with names presented, of which his lordship will take consideration, and always mingle some learned in the law with the rest; yet so as care be taken that the same parties be not too often used in commissions; and likewise care is to be taken that bond with good surety be entered into, in 200*l.* at least, to prove him a bankrupt.

97. No commission of delegates in any cause of weight shall be awarded, but upon petition preferred to the lord chancellor, who will name the commissioners himself, to the end they may be persons of convenient quality, having regard to the weight of the cause, and the dignity of the court from whence the appeal is.

98. Any man shall be admitted to defend *in forma pauperis*, upon oath, but for plaintiffs they are ordinarily to be referred to the court of requests, or to the provincial councils, if the case arise in those jurisdictions, or to some gentlemen in the country, except it be in some special cases of commiseration, or potency in the adverse party.

99. Licences to collect for losses by fire or water are not to be granted, but upon good certificate; and not for decays of suretiship or debt, or any other casualties whatsoever: and they are rarely to be renewed; and they are to be directed ever unto the county where the loss did arise, if it were by fire, and the counties that abut upon it, as the case shall require; and if it were by sea, then unto the county where the port is, from whence the ship went, and to some sea-counties adjoining.

100. No exemplification shall be made of letters patents, *inter alia*, with omission of the general words; nor of records made void or cancelled; nor of the decrees of this court not enrolled; nor of depositions by parcel and fractions, omitting the residue of the depositions in court, to which the hand of the examiner is not subscribed; nor of records of the court not being enrolled or filed; nor of records of any other court, before the same be duly certified to this court, and orderly filed here: nor of any records upon the sight and examination of any copy in paper, but upon sight and examination of the original.

101. And because time and experience may discover some of these rules to be inconvenient, and some other to be fit to be added; therefore his lordship intendeth in any such case from time to time to publish any such revocations or additions.

THE PASSAGES IN PARLIAMENT

AGAINST

FRANCIS VISCOUNT ST. ALBAN,

LORD CHANCELLOR OF ENGLAND.

ANNO DOMINI 1620 AND 1621.

On Monday, the nineteenth day of March, 1620, in the afternoon, the commons had a conference with the lords; which conference was reported the next day by the lord treasurer, [who] delivered the desire of the commons to inform their lordships of the great abuses of the courts of justice: the information whereof was divided into these three parts.

First, The persons accused.

Secondly, Of the matters objected against them.

Thirdly, Their proof.

The persons are the lord chancellor of England and the now bishop of Landaff, being then no bishop, but Dr. Field.

The incomparable good parts of the lord chancellor were highly commended, his place he holds magnified, from whence bounty, justice, and mercy were

to be distributed to the subjects, with which he was solely trusted, whither all great causes were drawn, and from whence no appeal lay for any injustice or wrong done, save to the parliament.

That the lord chancellor is accused of great bribery and corruption, committed by him in this eminent place, whereof two cases were alleged:

The one concerning Christopher Awbrey, and the other concerning Edward Egerton. In the cause depending in the chancery between this Awbrey and Sir William Bronker, Awbrey feeling some hard measure, was advised to give the lord chancellor 100*l.* the which he delivered to his counsel Sir George Hastings, and he to the lord chancellor. This business proceeding slowly notwithstanding, Awbrey did write divers letters, and delivered them to the lord chancellor, but could never have any answer from his lordship; but at last delivering another letter, his lordship answered, If he importuned him he would lay him by the heels.

The proofs of this accusation are five:

The first, Sir George Hastings related it long since unto Sir Charles Montague.

Secondly, the lord chancellor, fearing this would be complained of, desired silence of Sir George Hastings.

Thirdly, Sir George Hastings's testimony thereof; which was not voluntary, but urged.

Fourthly, the lord chancellor desired Sir George Hastings to bring the party Awbrey unto him; and promised redress of the wrong done him.

Fifthly, that the lord chancellor said unto Sir George Hastings, if he would affirm the giving of this 100*l.* his lordship would and must deny it upon his honour.

The case of Mr. Edward Egerton is this: There being divers suits between Edward Egerton and Sir Rowland Egerton in the chancery, Edward Egerton presented his lordship, a little after he was lord keeper, with a bason and ewer of 50*l.* and above, and afterwards he delivered unto Sir George Hastings and Sir Richard Young 400*l.* in gold, to be presented unto his lordship. Sir Richard Young presented it, his lordship took it, and poised [it], and said, it was too much; and returned answer, That Mr. Egerton had not only enriched him, but had a tie upon his lordship to do him favour in all his just causes.

The proofs are the testimony of Sir George Hastings, and the testimony of Merefil, a scrivener, thus far: That he took up 700*l.* for Mr. Egerton, Mr. Egerton then telling him, that a great part of it was to be given to the lord chancellor; and that Mr. Egerton afterwards told him, that the 400*l.* in gold was given to the lord chancellor. At this conference was farther declared of a bishop, who was touched in this business, upon the bye, whose function was much honoured, but his person touched herein: this business depending being ordered against Edward Egerton, he procured a new reference thereof from the king to the lord chancellor: his lordship demanded the parties to be bound in 6000 marks, to stand to his lordship's award: they having entered into that bond, his lordship awarded the matter against Edward Egerton for Sir Rowland Egerton; and Edward Egerton refusing to stand to the said award, a new bill was exhibited in the chancery; and thereupon his lordship ordered that his bond of 6000 marks should be assigned unto Sir Rowland Egerton, and he to put the same in suit in his lordship's name.

The bishop of Landaff, as a friend to Mr. Edward Egerton, advised with Randolph Damport and Butler, which Butler is now dead, that they would procure a stay of the decree of that award, and procure a new hearing: it was agreed that 6000 marks should be given for this by Edward Egerton, and shared amongst them, and amongst certain noble persons.

A recognisance of 10,000*l.* was required from Mr. Egerton to the bishop for the performance hereof: the bishop his share of this 6000 marks was to have [been] so great, as no court of justice would allow: they produce letters of the bishop naming the sum, and setting down a course how this 6000 marks might be raised, namely, the land in question to be decreed for Mr. Egerton, and out of that the money to be levied; and if this were not effected, then the bishop *in verbo sacerdotis* promised to deliver up this recognisance to be cancelled. The new recognisance is sealed accordingly, and Randolph Damport rides to the court, and moved the lord admiral for his lordship's letter to the lord chancellor herein: but his lordship denied to meddle in a cause depending in suit.

Then the said Randolph Damport assayed to get the king's letter, but failed therein also: so that the good they intended to Mr. Egerton was not effected; and yet the bishop, though required, refused to deliver up the said recognisance, until Mr. Egerton threatened to complain thereof unto the king.

He showed also that the commons do purpose, that if any more of this kind happen to be complained of before them, they will present the same to your lordships, wherein they shall follow the ancient precedents, which show that great persons have been accused for the like in parliament.

They humbly desire that forasmuch as this concerneth a person of so great eminency, it may not depend long before your lordships; that the examination of the proofs may be expedited, and if he be found guilty, then to be punished; if not guilty, the now accusers to be punished.

This being reported, the lord admiral presented to the house a letter, written unto their lordships, the tenor whereof followeth.

TO THE RIGHT HONOURABLE HIS VERY GOOD LORDS, THE LORDS SPIRITUAL AND TEMPORAL, IN THE UPPER HOUSE OF PARLIAMENT ASSEMBLED.

"My very good lords,

"I humbly pray your lordships all, to make a favourable and true construction of my absence. It is no feigning or fainting, but sickness both of my heart and of my back, though joined with that comfort of mind, that persuadeth me that I am not far from heaven, whereof I feel the first fruits.

"And because, whether I live or die, I would be glad to preserve my honour and fame, so far as I am worthy; hearing that some complaints of base bribery are coming before your lordships, my requests unto your lordships are:

"First, That you will maintain me in your good opinion, without prejudice, until my cause be heard.

"Secondly, That, in regard I have sequestered my mind at this time, in great part, from worldly matters, thinking of my account and answers in a higher court; your lordships will give me convenient time, according to the course of other courts, to advise with my counsel, and to make my answer; wherein, nevertheless, my counsel's part will be the least: for I shall not, by the grace of God, trick up an innocency with cavillations, but plainly and ingenuously, as your lordships know my manner is, declare what I know or remember.

"Thirdly, That according to the course of justice I may be allowed to except to the witnesses brought against me, and to move questions to your lordships for their cross examinations, and likewise to produce my own witnesses for the discovery of the truth.

"And lastly, That if there be any more petitions of like nature, that your lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a judge that makes 2000 orders and decrees in a year, not to speak of the courses that have been taken for hunting out complaints against me, but that I may answer them, according to the rules of justice, severally and respectively.

"These requests, I hope, appear to your lordships no other than just. And so, thinking myself happy to have so noble peers and reverend prelates to discern of my cause, and desiring no privilege of greatness for subterfuge of guiltiness, but meaning, as I said, to deal fairly and plainly with your lordships, and to put myself upon your honours and favours, I pray God to bless your counsels and persons. And rest

"Your lordships' humble servant,

19 March, 1620. FR. ST. ALBAN, CANC."

Upon which letter answer was sent from the lords unto the said lord chancellor on the said twentieth of March, namely, That the lords received his lordship's letter, delivered unto them by the lord admiral: they intend to proceed in his cause now before their lordships, according to the right rule of justice, and they shall be glad if his lordship shall clear his honour therein: to which end they pray his lordship to provide his just defence.

And afterwards, on Wednesday, the twenty-first of March, the commons sent a message unto the lords concerning their farther complaint against the said lord chancellor, which consisted of these four points, namely,

The first in chancery being between the lady Wharton plaintiff, and Wood and others defendants, upon cross bills; the lord chancellor upon hearing wholly dismissed them; but upon entry of the order, the cross bill against the lady Wharton was only dismissed; and afterwards, for a bribe of 300*l.* given by the lady Wharton to the lord chancellor, his lordship decreed the cause farther; and then hearing that Wood and the other defendants complained thereof to the house of commons, his lordship sent for them, and damned that decree as unduly gotten; and when the lady Wharton began to complain thereof, his lordship sent for her also, and promised her redress, saying, "That decree is not yet entered."

Secondly, in the suit between Hall plaintiff, and Holman defendant: Holman deferring his answer was committed to the Fleet, where he lay twenty weeks, and petitioning to be delivered, was answered by some about the lord chancellor, The bill shall be decreed against him, *pro confesso*, unless he would enter into a 2000*l.* bond to stand to the lord chancellor's order; which he refusing, his liberty cost him one way or other one thousand pounds. Holman being freed out of the Fleet, Hall petitioned to the lord chancellor, and Holman finding his cause to go hard with him on his side, complained to the commons; whereupon the lord chancellor sent for him, and to pacify him, told him he should have what order he would himself.

Thirdly, in the cause between Smithwicke and Wiche, the matter in question being for accounts with the merchant, to whom it was referred, certified in the behalf of Smithwicke; yet Smithwicke, to obtain a decree, was told by Mr. Burrough, one near to the lord chancellor, that it must cost him 200*l.* which he paid to Mr. Burrough or Mr. Hunt, to the use of the lord chancellor; and yet the lord chancellor decreed but one part of the certificate; whereupon he treats again with Mr. Burrough, who demanded another 100*l.* which Smithwicke also paid to the use of the lord chancellor. Then his lordship referred the accounts again to the same merchant, who certified it again for Smithwicke; yet his lordship decreed the second part of the certificate against Smithwicke, and the first part, which was formerly decreed for him, his lordship made doubtful: Smithwicke petitioned to the lord chancellor for his money again; and Smithwicke had all his money save 20*l.* kept back by Hunt for a year.

The lord chief justice also delivered three petitions, which his lordship received yesterday from the commons: the first by the lady Wharton, the second by Wood and Parjetor and others, and the third by Smithwicke.

The fourth part of the message consists only of instructions delivered unto the commons by one Churchill a register, concerning divers bribes and abuses in the chancery, which the commons desire may be examined.

The lords, in the mean time, proceeded to the examination of the complaints, and took divers examinations of witnesses in the house, and appointed a select committee of themselves to take examinations also.

And on Wednesday, the twenty-fourth of April, the prince his highness signified unto their lordships, that the said lord chancellor had sent a submission

unto their lordships, which was presently read *in hæc verba :*

TO THE RIGHT HONOURABLE THE LORDS OF THE PARLIAMENT IN THE UPPER HOUSE ASSEMBLED.

The humble Submission and Supplication of the Lord Chancellor.

" IT MAY PLEASE YOUR LORDSHIPS,

" I shall humbly crave at your lordships' hands a benign interpretation of that which I shall now write; for words that come from wasted spirits, and an oppressed mind, are more safe in being deposited in a noble construction, than in being circled with any reserved caution.

" This being moved, and as I hope obtained, in the nature of a protection for all that I shall say; I shall now make into the rest of that, wherewith I shall at this time trouble your lordships, a very strange entrance: for in the midst of a state of as great affliction, as I think a mortal man can endure, honour being above life, I shall begin with the professing of gladness in some things.

" The first is, That hereafter the greatness of a judge, or magistrate, shall be no sanctuary or protection of guiltiness: which, in few words, is the beginning of a golden world.

" The next, That after this example, it is like that judges will fly from any thing that is in the likeness of corruption, though it were at a great distance, as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour.

" And in these two points, God is my witness, that though it be my fortune to be the anvil, whereupon those good effects are beaten and wrought, I take no small comfort.

" But to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your lordships are judges, under God and his lieutenant. I do understand there hath been heretofore expected from me some justification: and therefore I have chosen one only justification, out of the justification of Job. For after the clear submission and confession which I shall now make unto your lordships, I hope I may say and justify with Job in these words, ' I have not hid my sins, as did Adam, nor concealed my faults in my bosom.' This is the only justification which I will use.

" It resteth therefore, that, without fig-leaves, I do ingenuously confess and acknowledge, that having understood the particulars of the charge, not formally from the house, but enough to inform my conscience and my memory, I find matters sufficient and full, both to move me to desert my defence, and to move your lordships to condemn and censure me.

" Neither will I trouble your lordships by singling those particulars which I think might fall off, " Quid te exempta juvat spinis de pluribus una?" Neither will I prompt your lordships to observe upon the proofs, where they come not home, or the scruple touching the credit of the witnesses. Neither will I represent to your lordships, how far a defence in divers things mought extenuate the offence in respect of the time and manner of the gift, or the like circumstances. But only leave these things to spring out of your own noble thoughts, and observations of the evidence, and examinations themselves; and charitably to wind about the particulars of the charge, here and there as God shall put into your minds; and so submit myself wholly to your piety and grace.

Horat. Ep. lib. ii.

" And now I have spoken to your lordships as judges, I shall say a few words to you as peers and prelates; humbly commending my cause to your noble minds and magnanimous affections.

" Your lordships are not simply judges, but parliamentary judges; you have a farther extent of arbitrary power, than other courts. And if your lordships be not tied by ordinary courses of courts or precedents in points of strictness and severity, much more in points of mercy and mitigation.

" And yet if any thing which I shall move, mought be contrary to your worthy ends to introduce a reformation, I should not seek it: but herein I beseech your lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general: not many years after the like severity was pursued by Papirius Cursor, the dictator, against Quintus Maximus; who being upon the point to be sentenced, by the intercession of some principal persons of the senate was spared: whereupon Livy maketh this grave and gracious observation; " Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii." The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishing of Titus Manlius. And the same reason is of the reformation of justice; for the questioning of men of eminent places hath the same terror, though not the same rigour with the punishment.

" But my case standeth not there; for my humble desire is, that his Majesty would take the seal into his hands; which is a great downfal, and may serve, I hope, in itself, for an expiation of my faults.

" Therefore, if mercy and mitigation be in your power, and do no ways cross your noble ends, why should I not hope of your lordships favour and commiseration?

" Your lordships will be pleased to behold your chief pattern, the king our sovereign, a king of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. Your lordships will remember that there sat not these hundred years before, a prince in your house, and never such a prince, whose presence deserves to be made memorable by records and acts mixed of mercy and justice. Your lordships are either nobles, and compassion ever beateth in the veins of noble blood, or reverend prelates, who are the servants of Him, who would not ' break the bruised reed, nor quench the smoking flax.' You all sit upon one high stage, and therefore cannot but be more sensible of the changes of the world, and the fall of any of high place.

"Neither will your lordships forget that there are *vitia temporis*, as well as *vitia hominis;* and that the beginning of reformations hath the contrary power of the pool of Bethesda; for that had strength to cure him only that was first cast in, and this hath commonly strength to hurt him only that is first cast in. And for my part, I wish it may stay there and go no further.

"Lastly, I assure myself, your lordships have a noble feeling of me, as a member of your own body, and one that in this very session had some taste of your loving affections; which, I hope, was not a lightening before the death of them, but rather a spark of that grace, which now in the conclusion will more appear.

"And therefore my humble suit to your lordships is, That my penitent submission may be my sentence, and the loss of the seal my punishment; and that your lordships will spare any farther sentence, but recommend me to his Majesty's grace and pardon for all that is past. God's holy Spirit be among you.

"Your lordships' humble servant, and suppliant,

22d April, 1621. "FR. ST. ALBAN, CANC."

The lords having considered of this submission, and heard the collections of corruptions charged upon the said lord chancellor, and the proofs thereof read, they sent a copy of the same without the proofs unto him the said lord chancellor, by Mr. Baron Denham, and Mr. Attorney-general, with this message from their lordships, namely,

That the lord chancellor's confession is not fully set down by his lordship, in the said submission, for three causes.

1. First, his lordship confesseth not any particular bribe or corruption.

2. Nor showeth how his lordship heard the charge thereof.

3. The confession, such as it is, is afterwards extenuated in the same submission; and therefore the lords have sent him a particular of the charge, and do expect his answer to the same with all convenient expedition.

Unto which message the lord chancellor answered, "that he would return the lords an answer with speed."

And on the twenty-fifth of April the lords considered of the lord chancellor's said answer, sent unto their message yesterday, and sent a second message unto his lordship to this effect, by the said Mr. Baron Denham, and Mr. Attorney-general, namely,

The lords having received a doubtful answer unto the message their lordships sent him yesterday; and therefore they now send to him again to know of his lordship, directly and presently, whether his lordship will make his confession, or stand upon his defence.

Answer returned by the said messengers, namely,

"The lord chancellor will make no manner of defence to the charge, but meaneth to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission; but humbly craves liberty, that where the charge is more full than he finds the truth of the fact, he may make declaration of the truth in such particulars, the charge being brief, and containing not all circumstances."

The lords sent the same messengers back again to the lord chancellor, to let him know, that their lordships have granted him time until Monday next, the thirtieth * of April, by ten in the morning, to send such confession and submission as his lordship intends to make.

On which Monday the lord chancellor sent the same accordingly, and that follows *in hæc verba*, namely:

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL, IN THE HIGH COURT OF PARLIAMENT ASSEMBLED:

The humble Confession and Submission of me the Lord Chancellor.

Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account, so far as I am able, I do plainly and ingenuously confess that I am guilty of corruption, and do renounce all defence, and put myself upon the grace and mercy of your lordships.

The particulars I confess and declare to be as followeth.

To the first article of the charge, namely, "In the cause between Sir Rowland Egerton and Edward Egerton, the lord chancellor received 300*l.* on the part of Sir Rowland Egerton, before he had decreed the cause:"

I do confess and declare, that upon a reference from his Majesty of all suits and controversies between Sir Rowland Egerton and Edward Egerton, both parties submitted themselves to my award by recognisances reciprocal in ten thousand marks apiece; thereupon, after divers hearings, I made my award with the advice and consent of my lord Hobard: the award was perfected and published to the parties, which was in February. Then some days after the three hundred pounds, mentioned in the charge, was delivered unto me. Afterwards Mr. Edward Egerton fled off from the award; then in Midsummer term following a suit was begun in chancery by Sir Rowland to have the award confirmed, and upon that suit was the decree made mentioned in the article.

The second article of the charge, namely, "In the same cause he received from Edward Egerton 400*l.*"

I confess and declare, that soon after my first coming to the seal, being a time when I was presented by many, the 400*l.* mentioned in the said charge was delivered unto me in a purse, and, as I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect of favours to come.

The article of the charge, namely, "In the cause between Hody and Hody, he received a dozen of

* I presume it should be the twenty-ninth.

buttons of the value of 50*l.* about a fortnight after the cause was ended:"

I confess and declare, that as it is laid in the charge, about a fortnight after the cause was ended, it being a suit for a great inheritance, there were gold buttons about the value of 50*l.* as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perrot and the party himself.

To the fourth article of the charge, namely, "In a cause between the lady Wharton, and the coheirs of Sir Francis Willoughby, he received of the lady Wharton three hundred and ten pounds:"

I confess and declare, that I did receive of the lady Wharton, at two several times, as I remember, in gold, 200*l.* and 100 pieces; and this was certainly *pendente lite:* but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the register in entering some orders, which afterwards I did distaste.

To the fifth article of the charge, namely, "In Sir Thomas Monk's cause he received from Sir Thomas Monk, by the hands of Sir Henry Holmes, 110*l.* but this was three-quarters of a year after the suit was ended:"

I confess it to be true, that I received 100 pieces; but it was long after the suit ended, as is contained in the charge.

To the sixth article of the charge, namely, "In the cause between Sir John Trevor and Ascue, he received on the part of Sir John Trevor 100*l.*"

I confess and declare, that I received at new year's tide 100*l.* from Sir John Trevor; and, because it came as a new year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite.*

To the seventh article of the charge, namely, "In the cause between Holman and Young, he received of Young 100*l.* after the decree made for him:"

I confess and declare, that, as I remember, a good while after the cause ended, I received 100*l.* either by Mr. Toby Matthew, or from Young himself; but whereas I have understood that there was some money given by Holman to my servant Hatcher, to that certainly I was never made privy.

To the eighth article of the charge, "In the cause between Fisher and Wrenham, the lord chancellor, after the decree passed, received a suit of hangings worth one hundred and threescore pounds and better, which Fisher gave him by advice of Mr. Shute:"

I confess and declare, that some time after the decree passed, I being at that time upon remove to York-house, I did receive a suit of hangings of the value, I think, mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnishing of my house, as some others, that were no ways suitors, did present me with the like about that time.

To the ninth article of the charge, "In the cause between Kennedy and Vanlore, he received a rich cabinet from Kennedy, prized at 800*l.*"

I confess and declare, that such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back; and was offended when I heard it was not: and some year and half after, as I remember, Sir John Kennedy having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinkney that it might be delivered to him, for that he stood engaged for the money that Sir John Kennedy paid for it: and thereupon Sir John Kennedy wrote a letter to my servant Sherborne, with his own hand, desiring I would not do him that disgrace, as to return that gift back, much less to put it into a wrong hand: and so it remains yet ready to be returned to whom your lordships shall appoint.

To the tenth article of the charge, namely, "He borrowed of Vanlore 1000*l.* upon his own bond at one time, and the like sum at another time, upon his lordship's own bill, subscribed by Mr. Hunt his man:"

I confess and declare, that I borrowed the money in the article set down, and that this is a true debt; and I remember well that I wrote a letter from Kew, about a twelvemonth since, to a friend about the king; wherein I desired, that whereas I owed Peter Vanlore 2000*l.* his Majesty would be pleased to grant me so much out of his fine, set upon him in the star-chamber.

To the eleventh article of the charge, namely, "He received of Richard Scott 200*l.* after his cause was decreed, but upon a precedent promise; all which was transacted by Mr. Shute:"

I confess and declare, that some fortnight after, as I remember, that the decree passed, I received 200*l.* as from Mr. Scott, by Mr. Shute: but precedent promise or transaction by Mr. Shute, certain I am, I knew of none.

To the twelfth article of the charge, namely, "He received in the same cause, on the part of Sir John Lenthall, 100*l.*"

I confess and declare, that some months after, as I remember, that the decree passed, I received 100*l.* by my servant Sherborne, as from Sir John Lenthall, who was not in the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Power.

To the thirteenth article of the charge, namely, "He received of Mr. Worth 100*l.* in respect of the cause between him and Sir Arthur Mainwaring:"

I confess and declare, that this cause being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties, and so a decree passed of course; and some months after the cause was ended, the 100*l.* mentioned in the said article, was delivered to me by my servant Hunt.

To the fourteenth article of the charge, namely, "He received of Sir Ralph Hansbye, having a cause depending before him, 500*l.*"

I confess and declare, that there were two decrees, one as I remember for the inheritance, and the other for the goods and chattels, but all upon one bill: and some good time after the first decree, and before the second, the said 500*l.* was delivered unto me by

Mr. Toby Matthew; so as I cannot deny but it was, upon the matter, *pendente lite*.

To the fifteenth article of the charge, namely, "William Compton being to have an extent for a debt of 1200*l.* the lord chancellor stayed it, and wrote his letter, upon which, part of the debt was paid presently, and part at a future day; the lord chancellor hereupon sends to borrow 500*l.* and because Compton was to pay 400*l.* to one Huxley, his lordship requires Huxley to forbear six months; and thereupon obtains the money from Compton: the money being unpaid, suit grows between Huxley and Compton in chancery, where his lordship decrees Compton to pay Huxley the debt, with damage and costs, when it was in his own hands:"

I do declare that in my conscience the stay of the extent was just, being an extremity against a nobleman, by whom Compton could be no loser; the money was plainly borrowed of Compton upon bond with interest, and the message to Huxley was only to entreat him to give Compton a longer day, and in no sort to make me a debtor or responsible to Huxley; and therefore, though I was not ready to pay Compton his money, as I would have been glad to have done, save only 100*l.* which is paid, I could not deny justice to Huxley in as ample manner as if nothing had been between Compton and I; but if Compton hath been damnified in my respect, I am to consider it to Compton.

To the sixteenth article of the charge, namely, "In the cause between Sir William Bronker and Awbrey, the lord chancellor received from Awbrey 100*l.*"

I do confess and declare, that the money was given and received, but the manner of it I leave to the witnesses.

To the seventeenth article of the charge, namely, "In the lord Montague's cause, he received from the lord Montague 600 or 700*l.* and more was to be paid at the ending of the cause:"

I confess and declare there was money given, and, as I remember, to Mr. Bevis Thelwall, to the sum mentioned in the article, after the cause was decreed; but I cannot say it was ended: for there have been many orders since, caused by Sir Francis Inglefield's contempts; and I do remember, that when Thelwal brought the money, he said that my lord would be yet farther thankful if he could once get his quiet; to which speech I gave little regard.

To the eighteenth article of the charge, namely, "In the cause of Mr. Dunch, he received from Mr. Dunch 200*l.*"

I confess and declare, that it was delivered by Mr. Thelwall to Hatcher my servant for me, as I think, some time after the decree; but I cannot precisely inform myself of the time.

To the nineteenth article of the charge, namely, "In the cause between Reynell and Peacoke, he received from Reynell 200*l.* and a diamond ring worth 500 or 600*l.*"

I confess and declare, that at my first coming to the seal, when I was at Whitehall, my servant Hunt delivered me 200*l.* from Sir George Raynell, my near ally, to be bestowed upon furniture of my house; adding farther, that he had received divers former favours from me; and this was, as I verily think, before any suit begun: the ring was certainly received *pendente lite;* and though it were at new year's tide, it was too great a value for a new year's gift; though, as I take it, nothing near the value mentioned in the article.

To the twentieth article of the charge, namely, "That he took of Peacoke 100*l.* without interest, security, or time of payment:"

I confess and declare, that I received of Mr. Peacoke 100*l.* at Dorset-house, at my first coming to the seal, as a present; at which time no suit was begun; and at the summer after, I sent my then servant Lister to Mr. Rolfe, my good friend and neighbour at St. Albans, to use his means with Mr. Peacoke, who was accounted a moneyed man, for the borrowing of 500*l.* and after by my servant Hatcher for borrowing of 500*l.* more, which Mr. Rolfe procured; and told me at both times, it should be without interest, script, or note, and that I should take my own time for payment of it.

To the twenty-first article of the charge, namely, "In the cause between Smithwicke and Wiche, he received from Smithwicke 200*l.* which was repaid:"

I confess and declare, that my servant Hunt did, upon his account, being my receiver of the fines upon original writs, charge himself with 200*l.* formerly received of Smithwicke; which, after that I had understood the nature of it, I ordered him to repay, and to defalke it out of his accounts.

To the two and twentieth article of the charge, namely, "In the cause of Sir Henry Ruswell, he received money from Ruswell, but it is not certain how much:"

I confess and declare, that I received money from my servant Hunt, as from Mr. Ruswell, in a purse; and whereas the sum in the article being indefinite, I confess [it] to be 300 or 400*l.* and it was about some months after the cause was decreed: in which decree I was assisted by two of the judges.

To the twenty-third article of the charge, namely, "In the cause of Mr. Barker, the lord chancellor received from Barker 700*l.*"

I confess and declare, that the sum mentioned in the article was received from Mr. Barker some time after the decree past.

To the twenty-fourth, twenty-fifth, twenty-sixth articles of the charge, namely, The twenty-fourth, "There being a reference from his Majesty to his lordship of a business between the grocers and the apothecaries, the lord chancellor received of the grocers 200*l.*" The twenty-fifth article, "In the same cause, he received of the apothecaries, that stood with the grocers, a taster of gold worth between 400 and 500*l.* and a present of ambergrease." And the twenty-sixth article, "He received of a new company of apothecaries, that stood against the grocers, 100*l.*"

To these I confess and declare, that the several sums from the three parties were received; and for that it was no judicial business, but a concord of composition between the parties, and that as I thought all had received good, and they were all

three common purses, I thought it the less matter to receive that which they voluntarily presented; for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to account to the three several companies.

To the twenty-seventh article of the charge, namely, "He took of the French merchants 1000*l.* to constrain the vintners of London to take from them 1500 tuns of wine; to accomplish which, he used very indirect means, by colour of his office and authority, without bill or suit depending, terrifying the vintners by threats, and by imprisonments of their persons, to buy wines whereof they had no need, nor use, at higher rates than they were vendible:"

I do confess and declare, that Sir Thomas Smith did deal with me in behalf of the French Company; informing me, that the vintners by combination would not take off their wines at any reasonable prices; that it would destroy their trade, and stay their voyage for that year; and that it was a fair business, and concerned the state; and he doubted not but I should receive thanks from the king, and honour by it; and that they would gratify me with a thousand pounds for my travail in it: whereupon I treated between them by way of persuasion; and to prevent any compulsory suit, propounding such a price as the vintners might be gainers 6*l.* in a tun as it was then maintained unto me. And after the merchants petitioning to the king, and his Majesty recommending this business unto me, as a business that concerns his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messenger's hand for a day or two some that were the most stiff; and afterwards the merchants presented me with 1000*l.* out of their common purse, and acknowledging themselves that I had kept them from a kind of ruin, and still maintaining to me, that the vintners, if they were not insatiably minded, had a very competent gain: this is the merits of the cause, as it there appears to me.

To the twenty-eighth article of the charge, namely, "The lord chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions:"

I confess it was a great fault of neglect in me that I looked no better to my servants.

This declaration I have made to your lordships, with a sincere mind, humbly craving that if there should be any mistake, your lordships would impute it to want of memory, and not to any desire of mine to obscure truth, or palliate any thing; for I do now again confess, that in the points charged upon me, though they should be taken, as myself declared them, there is a great deal of corruption and neglect, for which I am heartily sorry, and submit myself to the judgment, grace, and mercy of the court.

For extenuation I will use none concerning the matters themselves; only it may please your lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for any avaricious man; and the apostle saith, that "covetousness is the root of all evil." I hope also that your lordships do rather find me in a state of grace, for that in all these particulars there are few or none that are not almost two years old; whereas those that have a habit of corruption do commonly wax worse: so that it hath pleased God to prepare me by precedent degrees of amendment to my present penitency; and for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

And so fearing I have troubled your lordships too long, I shall conclude with an humble suit unto you, that if your lordships proceed to sentence, your sentence may not be heavy to my ruin, but gracious and mixt with mercy; and not only so, but that you would be noble intercessors for me to his Majesty likewise for his grace and favour.

Your lordships' humble servant and suppliant,

FR. ST. ALBAN, CANC.

The lords having heard this confession and submission read, these lords undernamed, namely, the earl of Pembroke, lord chamberlain; the earl of Arundel, the earl of Southampton, the bishop of Durham, the bishop of Winchester, the bishop of Coventry and Lichfield, the lord Wentworth, the lord Cromwell, the lord Sheffield, the lord North, the lord Chandos, the lord Hunsdon, were sent to him the said lord chancellor, and showed him the said confession, and told him, that the lords do conceive it to be an ingenuous and full confession: and demanded of him, whether it be his own hand that is subscribed to the same, and whether he will stand to it or no; unto which the said lord chancellor answered, namely,

"My lords, it is my act, my hand, my heart: I beseech your lordships to be merciful to a broken reed."

The which answer being reported to the house, it was agreed by the house, to move his Majesty to sequester the seal; and the lords entreated the prince's Highness, that he would be pleased to move the king: whereunto his Highness condescended; and the same lords, which went to take the acknowledgment of the lord chancellor's hand, were appointed to attend the prince to the king, with some other lords added: and his Majesty did not only sequester the seal, but awarded a new commission unto the lord chief justice to execute the place of the chancellor or lord keeper.

Parliament. dat. *primo Maii*, and on Wednesday the second of May the said commission being read, their lordships agreed to proceed to sentence the lord chancellor to-morrow morning; wherefore the gentleman usher, and serjeant at arms, attendants on the upper house, were commanded to go and summon him the said lord chancellor to appear in person before their lordships to-morrow morning by nine of the clock; and the said serjeant was commanded to take his mace with him, and to show it unto his lordship at the said summons: but they found him sick in bed, and being summoned, he an-

swered that he was sick, and protested that he feigned not this for any excuse; for if he had been well he would willingly have come.

The lords resolved to proceed notwithstanding against the said lord chancellor; and therefore, on Thursday the third day of May, their lordships sent their message unto the commons to this purpose, namely, That the lords are ready to give judgment against the lord viscount St. Alban, lord chancellor, if they with their speaker will come to demand it. And the commons being come, the speaker came to the bar, and making three low obeisances, said:

"The knights, citizens, and burgesses, of the commons house of parliament, have made complaints unto your lordships of many exorbitant offences of bribery and corruption committed by the lord chancellor; we understand that your lordships are ready to give judgment upon him for the same; wherefore I their speaker, in their name, do humbly demand, and pray judgment against him the lord chancellor, as the nature of his offence and demerits do require."

The lord chief justice answered,

"Mr. Speaker,

"Upon complaint of the commons against the viscount St. Alban, lord chancellor, this high court hath hereby, and by his own confession, found him guilty of the crimes and corruptions complained of by the commons, and of sundry other crimes and corruptions of the like nature.

"And therefore this high court, having first summoned him to attend, and having his excuse of not attending by reason of infirmity and sickness, which, he protested, was not feigned, or else he would most willingly have attended; doth nevertheless think fit to proceed to judgment; and therefore this high court doth adjudge,

"I. That the lord viscount St. Alban, lord chancellor of England, shall undergo fine and ransom of forty thousand pounds.

"II. That he shall be imprisoned in the Tower during the king's pleasure.

"III. That he shall for ever be uncapable of any office, place, or employment, in the state or commonwealth.

"IV. That he shall never sit in parliament, nor come within the verge of the court.

"This is the judgment and resolution of this high court."

WORKS HISTORICAL.

THE HISTORY OF THE REIGN

OF

KING HENRY THE SEVENTH.

TO THE MOST ILLUSTRIOUS AND MOST EXCELLENT PRINCE CHARLES,

PRINCE OF WALES, DUKE OF CORNWALL, EARL OF CHESTER, ETC.

IT MAY PLEASE YOUR HIGHNESS,

IN part of my acknowledgment to your Highness, I have endeavoured to do honour to the memory of the last king of England, that was ancestor to the king your father and yourself; and was that king to whom both unions may in a sort refer: that of the roses being in him consummate, and that of the kingdoms by him begun: besides, his times deserve it. For he was a wise man, and an excellent king; and yet the times were rough and full of mutations, and rare accidents. And it is with times, as it is with ways: some are more up-hill and down-hill, and some are more flat and plain; and the one is better for the liver, and the other for the writer. I have not flattered him, but took him to life as well as I could, sitting so far off, and having no better light. It is true your Highness hath a living pattern, incomparable, of the king your father: but it is not amiss for you also to see one of these ancient pieces. God preserve your Highness.

Your Highness's most humble and devoted servant,

FRANCIS ST. ALBAN.

AFTER that Richard, the third of that name, king in fact only, but tyrant both in title and regiment, and so commonly termed and reputed in all times since, was by the Divine revenge favouring the design of an exiled man, overthrown and slain at Bosworth-field; there succeeded in the kingdom the earl of Richmond, thenceforth styled Henry the seventh. The king immediately after the victory, as one that had been bred under a devout mother, and was in his nature a great observer of religious forms, caused "Te Deum laudamus" to be solemnly sung in the presence of the whole army upon the place, and was himself with general applause and great cries of joy, in a kind of military election or recognition, saluted king. Meanwhile the body of Richard, after many indignities and reproaches, the *diriges* and obsequies of the common people towards tyrants, was obscurely buried. For though the king of his nobleness gave charge unto the friars of Leicester to see an honourable interment to be given to it, yet the religious people themselves, being not free from the humours of the vulgar, neglected it; wherein nevertheless they did not then incur any man's blame or censure: no man thinking any ignominy or contumely unworthy of him that had been the executioner of king Henry the sixth, that innocent prince, with his own hands; the contriver of the death of the duke of Clarence his brother; the murderer of his two nephews, one of them his lawful king in the present, and the other in the future, failing of him; and vehemently suspected to have been the impoisoner of his wife, thereby to make vacant his bed, for a marriage within the degrees forbidden. And although he were a prince in military virtue approved, jealous of the honour of the English nation, and likewise a good law-maker, for the ease and solace of the common people; yet his cruelties and parricides, in the

opinion of all men, weighed down his virtues and merits; and, in the opinion of wise men, even those virtues themselves were conceived to be rather feigned and affected things to serve his ambition, than true qualities ingenerate in his judgment or nature. And therefore it was noted by men of great understanding, who seeing his after-acts, looked back upon his former proceedings, that even in the time of king Edward his brother he was not without secret trains and mines to turn envy and hatred upon his brother's government; as having an expectation and a kind of divination, that the king, by reason of his many disorders, could not be of long life, but was like to leave his sons of tender years; and then he knew well, how easy a step it was, from the place of a protector, and first prince of the blood, to the crown. And that out of this deep root of ambition it sprung, that as well at the treaty of peace that passed between Edward the fourth and Lewis the eleventh of France concluded by interview of both kings at Piqueny, as upon all other occasions, Richard, then duke of Gloucester, stood ever upon the side of honour, raising his own reputation to the disadvantage of the king his brother, and drawing the eyes of all, especially of the nobles and soldiers, upon himself; as if the king, by his voluptuous life and mean marriage, were become effeminate and less sensible of honour and reason of state than was fit for a king. And as for the politic and wholesome laws which were enacted in his time, they were interpreted to be but the brokage of an usurper, thereby to woo and win the hearts of the people, as being conscious to himself, that the true obligations of sovereignty in him failed, and were wanting. But king Henry, in the very entrance of his reign, and the instant of time when the kingdom was cast into his arms, met with a point of great difficulty, and knotty to solve, able to trouble and confound the wisest king in the newness of his estate; and so much the more, because it could not endure a deliberation, but must be at once deliberated and determined. There were fallen to his lot, and concurrent in his person, three several titles to the imperial crown. The first, the title of the lady Elizabeth, with whom by precedent pact with the party that brought him in, he was to marry. The second, the ancient and long disputed title both by plea and arms, of the house of Lancaster, to which he was inheritor in his own person. The third, the title of the sword or conquest, for that he came in by victory of battle, and that the king in possession was slain in the field. The first of these was fairest, and most like to give contentment to the people, who by two and twenty years' reign of king Edward the fourth had been fully made capable of the clearness of the title of the white rose, or house of York; and by the mild and plausible reign of the same king towards his latter time, were become affectionate to that line. But then it lay plain before his eyes, that if he relied upon that title, he could be but a king at courtesy, and have rather a matrimonial than a regal power; the right remaining in his queen, upon whose decease, either with issue or without issue, he was to give place and be removed. And though he should obtain by parliament to be continued, yet he knew there was a very great difference between a king that holdeth his crown by a civil act of estates, and one that holdeth it originally by the law of nature and descent of blood. Neither wanted there even at that time secret rumours and whisperings, which afterwards gathered strength and turned to great troubles, that the two young sons of king Edward the fourth, or one of them, which were said to be destroyed in the Tower, were not indeed murdered, but conveyed secretly away, and were yet living: which, if it had been true, had prevented the title of the lady Elizabeth. On the other side, if he stood upon his own title of the house of Lancaster, inherent in his person, he knew it was a title condemned by parliament, and generally prejudged in the common opinion of the realm, and that it tended directly to the disinherison of the line of York, held then the indubitate heirs of the crown. So that if he should have no issue by the lady Elizabeth, which should be descendants of the double line, then the ancient flames of discord and intestine wars, upon the competition of both houses, would again return and revive.

As for conquest, notwithstanding Sir William Stanley, after some acclamations of the soldiers in the field, had put a crown of ornament, which Richard wore in the battle, and was found amongst the spoils, upon king Henry's head, as if there were his chief title; yet he remembered well upon what conditions and agreements he was brought in; and that to claim as conqueror, was to put as well his own party, as the rest, into terror and fear; as that which gave him power of disannulling of laws, and disposing of men's fortunes and estates, and the like points of absolute power, being in themselves so harsh and odious, as that William himself, commonly called the Conqueror, howsoever he used and exercised the power of a conqueror to reward his Normans, yet he forbore to use that claim in the beginning, but mixed it with a titulary pretence, grounded upon the will and designation of Edward the Confessor. But the king, out of the greatness of his own mind, presently cast the die; and the inconveniences appearing unto him on all parts, and knowing there could not be any interreign, or suspension of title, and preferring his affection to his own line and blood, and liking that title best which made him independent; and being in his nature and constitution of mind not very apprehensive or forecasting of future events afar off, but an entertainer of fortune by the day; resolved to rest upon the title of Lancaster as the main, and to use the other two, that of marriage, and that of battle, but as supporters, the one to appease secret discontents, and the other to beat down open murmur and dispute: not forgetting that the same title of Lancaster had formerly maintained a possession of three descents in the crown; and might have proved a perpetuity, had it not ended in the weakness and inability of the last prince. Whereupon the king presently that very day, being the two and twentieth of August, assumed the style of king in his own name, without mention of the lady Elizabeth at all, or any relation thereunto. In

which course he ever after persisted: which did spin him a thread of many seditions and troubles. The king, full of these thoughts, before his departure from Leicester, despatched Sir Robert Willoughby to the castle of Sheriff-Hutton in Yorkshire, where were kept in safe custody, by king Richard's commandment, both the lady Elizabeth, daughter of king Edward, and Edward Plantagenet, son and heir to George, duke of Clarence. This Edward was by the king's warrant delivered from the constable of the castle to the hand of Sir Robert Willoughby: and by him with all safety and diligence conveyed to the Tower of London, where he was shut up close prisoner. Which act of the king's, being an act merely of policy and power, proceeded not so much from any apprehension he had of Doctor Shaw's tale at Paul's cross for the bastarding of Edward the fourth's issues, in which case this young gentleman was to succeed, for that fable was ever exploded, but upon a settled disposition to depress all eminent persons of the line of York. Wherein still the king out of strength of will, or weakness of judgment, did use to show a little more of the party than of the king.

For the lady Elizabeth, she received also a direction to repair with all convenient speed to London, and there to remain with the queen dowager her mother; which accordingly she soon after did, accompanied with many noblemen and ladies of honour. In the mean season the king set forward by easy journeys to the city of London, receiving the acclamations and applauses of the people as he went, which indeed were true and unfeigned, as might well appear in the very demonstrations and fulness of the cry. For they thought generally, that he was a prince, as ordained and sent down from heaven, to unite and put to an end the long dissensions of the two houses; which although they had had, in the times of Henry the fourth, Henry the fifth, and a part of Henry the sixth, on the one side, and the times of Edward the fourth on the other, lucid intervals and happy pauses; yet they did ever hang over the kingdom, ready to break forth into new perturbations and calamities. And as his victory gave him the knee, so his purpose of marriage with the lady Elizabeth gave him the heart; so that both knee and heart did truly bow before him.

He on the other side with great wisdom, not ignorant of the affections and fears of the people, to disperse the conceit and terror of a conquest, had given order, that there should be nothing in his journey like unto a warlike march or manner; but rather like unto the progress of a king in full peace and assurance.

He entered the city upon a Saturday, as he had also obtained the victory upon a Saturday; which day of the week, first upon an observation, and after upon memory and fancy, he accounted and chose as a day prosperous unto him.

The mayor and companies of the city received him at Shoreditch; whence with great and honourable attendance, and troops of noblemen, and persons of quality, he entered the city; himself not being on horseback, or in any open chair or throne, but in a close chariot, as one that having been sometimes an enemy to the whole state, and a proscribed person, chose rather to keep state, and strike a reverence into the people, than to fawn upon them.

He went first into St. Paul's church, where, not meaning that the people should forget too soon that he came in by battle, he made offertory of his standards, and had orisons and "Te Deum" again sung; and went to his lodging prepared in the bishop of London's palace, where he stayed for a time.

During his abode there, he assembled his council and other principal persons, in presence of whom he did renew again his promise to marry with the lady Elizabeth. This he did the rather, because having at his coming out of Britain given artificially, for serving his own turn, some hopes, in case he obtained the kingdom, to marry Anne, inheritress to the duchy of Britain, whom Charles the eighth of France soon after married, it bred some doubt and suspicion amongst divers that he was not sincere, or at least not fixed in going on with the match of England so much desired: which conceit also, though it were but talk and discourse, did much afflict the poor lady Elizabeth herself. But howsoever he both truly intended it, and desired it, and desired also it should be so believed, the better to extinguish envy and contradiction to his other purposes, yet was he resolved in himself not to proceed to the consummation thereof, till his coronation and a parliament were past. The one, lest a joint coronation of himself and his queen might give any countenance of participation of title; the other, lest in the entailing of the crown to himself, which he hoped to obtain by parliament, the votes of the parliament might any ways reflect upon her.

About this time in autumn, towards the end of September, there began and reigned in the city, and other parts of the kingdom, a disease then new: which by the accidents and manner thereof they called the sweating sickness. This disease had a swift course, both in the sick body, and in the time and period of the lasting thereof; for they that were taken with it, upon four and twenty hours escaping, were thought almost assured. And as to the time of the malice and reign of the disease ere it ceased; it began about the one and twentieth of September, and cleared up before the end of October, insomuch as it was no hinderance to the king's coronation, which was the last of October; nor, which was more, to the holding of the parliament, which began but seven days after. It was a pestilent fever, but, as it seemeth, not seated in the veins or humours, for that there followed no carbuncle, no purple or livid spots, or the like, the mass of the body being not tainted; only a malign vapour flew to the heart, and seized the vital spirits; which stirred nature to strive to send it forth by an extreme sweat. And it appeared by experience, that this disease was rather a surprise of nature than obstinate to remedies, if it were in time looked unto. For if the patient were kept in an equal temper, both for clothes, fire, and drink, moderately warm, with temperate cordials, whereby nature's work were neither irritated by heat, nor turned back by cold, he commonly recovered. But infinite persons died suddenly of it, before the man-

ner of the cure and attendance was known. It was conceived not to be an epidemic disease, but to proceed from a malignity in the constitution of the air, gathered by the predispositions of seasons; and the speedy cessation declared as much.

On Simon and Jude's eve, the king dined with Thomas Bourchier, archbishop of Canterbury and cardinal; and from Lambeth went by land over the bridge to the Tower, where the morrow after he made twelve knights bannerets. But for creations he dispensed them with a sparing hand. For notwithstanding a field so lately fought, and a coronation so near at hand, he only created three: Jasper, earl of Pembroke, the king's uncle, was created duke of Bedford; Thomas, the lord Stanley, the king's father-in-law, earl of Derby; and Edward Courtney, earl of Devon; though the king had then nevertheless a purpose in himself to make more in time of parliament; bearing a wise and decent respect to distribute his creations, some to honour his coronation, and some his parliament.

The coronation followed two days after, upon the thirtieth day of October, in the year of our Lord, 1485; at which time Innocent the eighth was pope of Rome; Frederick the third emperor of Almain; and Maximilian his son newly chosen king of the Romans; Charles the eighth king of France; Ferdinando and Isabella kings of Spain; and James the third king of Scotland: with all which kings and states the king was at that time in good peace and amity. At which day also, as if the crown upon his head had put perils into his thoughts, he did institute, for the better security of his person, a band of fifty archers, under a captain to attend him, by the name of yeomen of his guard; and yet, that it might be thought to be rather a matter of dignity, after the imitation of what he had known abroad, than any matter of diffidence appropriate to his own case, he made it to be understood for an ordinance not temporary, but to hold in succession for ever after.

The seventh of November the king held his parliament at Westminster, which he had summoned immediately after his coming to London. His ends in calling a parliament, and that so speedily, were chiefly three: first, to procure the crown to be entailed upon himself. Next, to have the attainders of all his party, which were in no small number, reversed, and all acts of hostility by them done in his quarrel remitted and discharged; and on the other side, to attaint by parliament the heads and principals of his enemies. The third, to calm and quiet the fears of the rest of that party by a general pardon, not being ignorant in how great danger a king stands from his subjects, when most of his subjects are conscious in themselves that they stand in his danger. Unto these three special motives of a parliament was added, that he, as a prudent and moderate prince, made this judgment, that it was fit for him to hasten to let his people see, that he meant to govern by law, howsoever he came in by the sword; and fit also to reclaim them to know him for their king, whom they had so lately talked of as an enemy or banished man. For that which concerned the entailing of the crown, more than that he was true to his own will, that he would not endure any mention of the lady Elizabeth, so not in the nature of special entail, he carried it otherwise with great wisdom and measure: for he did not press to have the act penned by way of declaration or recognition of right; as, on the other side, he avoided to have it by new law or ordinance, but chose rather a kind of middle way, by way of establishment, and that under covert and indifferent words: "that the inheritance of the crown should rest, remain, and abide in the king," &c. which words might easily be applied, that the crown should continue to him: but whether as having former right to it, which was doubtful, or having it then in fact and possession, which no man denied, was left fair to interpretation either way. And again, for the limitation of the entail, he did not press it to go farther than to himself and to the heirs of his body, not speaking of his right heirs: but leaving that to the law to decide: so as the entail might seem rather a personal favour to him and his children, than a total disinherison to the house of York. And in this form was the law drawn and passed. Which statute he procured to be confirmed by the pope's bull the year following, with mention nevertheless, by way of recital, of his other titles, both of descent and conquest. So as now the wreath of three, was made a wreath of five; for to the first three titles of the two houses, or lines, and conquest, were added two more, the authorities parliamentary and papal.

The king likewise, in the reversal of the attainders of his partakers, and discharging them of all offences incident to his service and succour, had his will; and acts did pass accordingly. In the passage whereof, exception was taken to divers persons in the house of commons, for that they were attainted, and thereby not legal, nor habilitate to serve in parliament, being disabled in the highest degree; and that it should be a great incongruity to have them to make laws, who themselves were not inlawed. The truth was, that divers of those, which had in the time of king Richard been strongest, and most declared for the king's party, were returned knights and burgesses for the parliament; whether by care or recommendation from the state, or the voluntary inclination of the people; many of which had been by Richard the third attainted by outlawries, or otherwise. The king was somewhat troubled with this; for though it had a grave and specious show, yet it reflected upon his party. But wisely not showing himself at all moved therewith, he would not understand it but as a case in law, and wished the judges to be advised thereupon; who for that purpose were forthwith assembled in the exchequer-chamber, which is the council-chamber of the judges, and upon deliberation they gave a grave and safe opinion and advice, mixed with law and convenience: which was, that the knights and burgesses attainted by the course of law should forbear to come into the house, till a law were passed for the reversal of their attainders.

It was at that time incidently moved amongst the judges in their consultation, what should be done

for the king himself, who likewise was attainted? But it was with unanimous consent resolved, "That the crown takes away all defects and stops in blood; and that from the time the king did assume the crown, the fountain was cleared, and all attainders and corruption of blood discharged." But nevertheless, for honour's sake, it was ordained by parliament, that all records, wherein there was any memory or mention of the king's attainder, should be defaced, cancelled, and taken off the file.

But on the part of the king's enemies there were by parliament attainted, the late duke of Gloucester, calling himself Richard the third; the duke of Norfolk, the earl of Surry, viscount Lovel, the lord Ferrers, the lord Zouch, Richard Ratcliffe, William Catesby, and many others of degree and quality. In which bills of attainders, nevertheless, there were contained many just and temperate clauses, savings, and provisoes, well showing and fore-tokening the wisdom, stay, and moderation of the king's spirit of government. And for the pardon of the rest, that had stood against the king, the king, upon a second advice, thought it not fit it should pass by parliament, the better, being matter of grace, to impropriate the thanks to himself; using only the opportunity of a parliament time, the better to disperse it into the veins of the kingdom. Therefore during the parliament he published his royal proclamation, offering pardon and grace of restitution to all such as had taken arms, or been participant of any attempts against him; so as they submitted themselves to his mercy by a day, and took the oath of allegiance and fidelity to him. Whereupon many came out of sanctuary, and many more came out of fear, no less guilty than those that had taken sanctuary.

As for money or treasure, the king thought it not seasonable or fit to demand any of his subjects at this parliament; both because he had received satisfaction from them in matters of so great importance, and because he could not remunerate them with any general pardon, being prevented therein by the coronation pardon passed immediately before; but chiefly, for that it was in every man's eye, what great forfeitures and confiscations he had at that present to help himself; whereby those casualties of the crown might in reason spare the purses of the subject; especially in a time when he was in peace with all his neighbours. Some few laws passed at that parliament, almost for form sake: amongst which there was one, to reduce aliens, being made denizens, to pay strangers' customs; and another, to draw to himself the seizures and compositions of Italians' goods, for not employment, being points of profit to his coffers, whereof from the very beginning he was not forgetful: and had been more happy at the latter end, if his early providence, which kept him from all necessity of exacting upon his people, could likewise have attempered his nature therein. He added, during parliament, to his former creations, the ennoblement or advancement in nobility of a few others; the lord Chandos of Britain, was made earl of Bath; Sir Giles Daubeney, was made lord Daubeney; and Sir Robert Willoughby, lord Brook.

The king did also with great nobleness and bounty, which virtues at that time had their turns in his nature, restore Edward Stafford, eldest son to Henry, duke of Buckingham, attainted in the time of king Richard, not only to his dignities, but to his fortunes and possessions, which were great: to which he was moved also by a kind of gratitude, for that the duke was the man that moved the first stone against the tyranny of king Richard, and indeed made the king a bridge to the crown upon his own ruins. Thus the parliament broke up.

The parliament being dissolved, the king sent forth with money to redeem the marquis Dorset, and Sir John Bourchier, whom he had left as his pledges at Paris, for money which he had borrowed, when he made his expedition for England. And thereupon he took a fit occasion to send the lord treasurer and master Bray, whom he used as counsellor, to the lord mayor of London, requiring of the city a prest of six thousand marks; but after many parleys, he could obtain but two thousand pounds; which nevertheless the king took in good part, as men use to do, that practise to borrow money when they have no need. About this time the king called unto his privy-council John Morton and Richard Fox, the one bishop of Ely, the other bishop of Exeter; vigilant men, and secret, and such as kept watch with him almost upon all men else. They had been both versed in his affairs, before he came to the crown, and were partakers of his adverse fortune. This Morton soon after, upon the death of Bourchier, he made archbishop of Canterbury. And for Fox, he made him lord keeper of his privy-seal, and afterwards advanced him by degrees, from Exeter to Bath and Wells, thence to Durham, and last to Winchester. For although the king loved to employ and advance bishops, because having rich bishoprics, they carried their reward upon themselves; yet he did use to raise them by steps, that he might not lose the profit of the first fruits, which by that course of gradation was multiplied.

At last, upon the eighteenth of January, was solemnized the so long expected and so much desired marriage, between the king and the lady Elizabeth; which day of marriage was celebrated with greater triumph and demonstrations, especially on the people's part, of joy and gladness, than the days either of his entry or coronation; which the king rather noted than liked. And it is true, that all his life-time, while the lady Elizabeth lived with him, for she died before him, he showed himself no very indulgent husband towards her, though she was beautiful, gentle, and fruitful. But his aversion towards the house of York was so predominant in him, as it found place not only in his wars and councils, but in his chamber and bed.

Towards the middle of the spring, the king, full of confidence and assurance, as a prince that had been victorious in battle, and had prevailed with his parliament in all that he desired, and had the ring of acclamations fresh in his ears, thought the rest of his reign should be but play, and the enjoying of a kingdom: yet, as a wise and watchful king, he would not neglect any thing for his safety; thinking

nevertheless to perform all things now, rather as an exercise than as a labour. So he being truly informed, that the northern parts were not only affectionate to the house of York, but particularly had been devoted to king Richard the third, thought it would be a summer well spent to visit those parts, and by his presence and application of himself to reclaim and rectify those humours. But the king, in his account of peace and calms, did much overcast his fortunes, which proved for many years together full of broken seas, tides, and tempests. For he was no sooner come to Lincoln, where he kept his Easter, but he received news, that the lord Lovel, Humphrey Stafford, and Thomas Stafford, who had formerly taken sanctuary at Colchester, were departed out of sanctuary, but to what place no man could tell: which advertisement the king despised, and continued his journey to York. At York there came fresh and more certain advertisement, that the lord Lovel was at hand with a great power of men, and that the Staffords were in arms in Worcestershire, and had made their approaches to the city of Worcester, to assail it. The king, as a prince of great and profound judgment, was not much moved with it; for that he thought it was but a rag or remnant of Bosworth-field, and had nothing in it of the main party of the house of York. But he was more doubtful of the raising of forces to resist the rebels, than of the resistance itself; for that he was in a core of people, whose affections he suspected. But the action enduring no delay, he did speedily levy and send against the lord Lovel, to the number of three thousand men, ill armed, but well assured, being taken some few out of his own train, and the rest out of the tenants and followers of such as were safe to be trusted, under the conduct of the duke of Bedford. And as his manner was to send his pardons rather before the sword than after, he gave commission to the duke to proclaim pardon to all that would come in: which the duke, upon his approach to the lord Lovel's camp, did perform. And it fell out as the king expected; the heralds were the great ordnance. For the lord Lovel, upon proclamation of pardon, mistrusting his men, fled into Lancashire, and lurking for a time with Sir Thomas Broughton, after sailed over into Flanders to the lady Margaret. And his men, forsaken of their captain, did presently submit themselves to the duke. The Staffords likewise, and their forces, hearing what had happened to the lord Lovel, in whose success their chief trust was, despaired and dispersed. The two brothers taking sanctuary at Colnham, a village near Abingdon; which place, upon view of their privilege in the king's bench, being judged no sufficient sanctuary for traitors, Humphrey was executed at Tyburn; and Thomas, as being led by his elder brother, was pardoned. So this rebellion proved but a blast, and the king having by this journey purged a little the dregs and leaven of the northern people, that were before in no good affection towards him, returned to London.

In September following, the queen was delivered of her first son, whom the king, in honour of the British race, of which himself was, named Arthur, according to the name of that ancient worthy king of the Britains, in whose acts there is truth enough to make him famous, besides that which is fabulous. The child was strong and able, though he was born in the eighth month, which the physicians do prejudge.

There followed this year, being the second of the king's reign, a strange accident of state, whereof the relations which we have are so naked, as they leave it scarce credible; not for the nature of it, for it hath fallen out often, but for the manner and circumstance of it, especially in the beginnings. Therefore we shall make our judgment upon the things themselves, as they give light one to another, and as we can, dig truth out of the mine. The king was green in his estate; and, contrary to his own opinion and desert both, was not without much hatred throughout the realm. The root of all was the discountenancing of the house of York, which the general body of the realm still affected. This did alienate the hearts of the subjects from him daily more and more, especially when they saw, that after his marriage, and after a son born, the king did nevertheless not so much as proceed to the coronation of the queen, not vouchsafing her the honour of a matrimonial crown; for the coronation of her was not till almost two years after, when danger had taught him what to do. But much more when it was spread abroad, whether by error, or the cunning of malecontents, that the king had a purpose to put to death Edward Plantagenet closely in the Tower: whose case was so nearly paralleled with that of Edward the fourth's children, in respect of the blood, like age, and the very place of the Tower, as it did refresh and reflect upon the king a most odious resemblance, as if he would be another king Richard. And all this time it was still whispered every where, that at least one of the children of Edward the fourth was living: which bruit was cunningly fomented by such as desired innovation. Neither was the king's nature and customs greatly fit to disperse these mists, but contrariwise, he had a fashion rather to create doubts than assurance. Thus was fuel prepared for the spark: the spark, that afterwards kindled such a fire and combustion, was at the first contemptible.

There was a subtile priest called Richard Simon,* that lived in Oxford, and had to his pupil a baker's son, named Lambert Simnell, of the age of some fifteen years, a comely youth, and well favoured, not without some extraordinary dignity and grace of aspect. It came into this priest's fancy, hearing what men talked, and in hope to raise himself to some great bishopric, to cause this lad to counterfeit and personate the second son of Edward the fourth, supposed to be murdered; and afterward, for he changed his intention in the manage, the lord Edward Plantagenet, then prisoner in the Tower, and accordingly to frame him and instruct him in the part he was to play. This is that which, as was

* The priest's name was William Simonds, and the youth was the son of ..... an organ-maker in Oxford, as the priest declared before the whole convocation of the clergy at Lambeth, Feb. 17, 1486. Vide Reg. Morton, f. 34 MS. Sancroft.

touched before, seemeth scarcely credible; not that a false person should be assumed to gain a kingdom, for it hath been seen in ancient and late times; nor that it should come into the mind of such an abject fellow, to enterprise so great a matter; for high conceits do sometimes come streaming into the imaginations of base persons, especially when they are drunk with news, and talk of the people. But here is that which hath no appearance: That this priest, being utterly unacquainted with the true person, according to whose pattern he should shape his counterfeit, should think it possible for him to instruct his player, either in gesture and fashions, or in recounting past matters of his life and education; or in fit answers to questions, or the like, any ways to come near the resemblance of him whom he was to represent. For this lad was not to personate one, that had been long before taken out of his cradle, or conveyed away in his infancy, known to few; but a youth, that till the age almost of ten years had been brought up in a court where infinite eyes had been upon him. For king Edward, touched with remorse of his brother the duke of Clarence's death, would not indeed restore his son, of whom we speak, to be duke of Clarence, but yet created him earl of Warwick, reviving his honour on the mother's side; and used him honourably during his time, though Richard the third afterwards confined him. So that it cannot be, but that some great person that knew particularly and familiarly Edward Plantagenet, had a hand in the business, from whom the priest might take his aim. That which is most probable, out of the precedent and subsequent acts, is, that it was the queen dowager, from whom this action had the principal source and motion. For certain it is, she was a busy negotiating woman, and in her withdrawing-chamber had the fortunate conspiracy for the king against king Richard the third been hatched: which the king knew, and remembered perhaps but too well; and was at this time extremely discontent with the king, thinking her daughter, as the king handled the matter, not advanced but depressed: and none could hold the book so well to prompt and instruct this stage-play, as she could. Nevertheless, it was not her meaning, nor no more was it the meaning of any of the better and sager sort that favoured this enterprise, and knew the secret, that this disguised idol should possess the crown; but at his peril to make way to the overthrow of the king; and that done, they had their several hopes and ways. That which doth chiefly fortify this conjecture is, that as soon as the matter brake forth in any strength, it was one of the king's first acts to cloister the queen dowager in the nunnery of Bermondsey, and to take away all her lands and estate: and this by a close council, without any legal proceeding, upon far-fetched pretences that she had delivered her two daughters out of sanctuary to king Richard, contrary to promise. Which proceeding being even at that time taxed for rigorous and undue, both in matter and manner, makes it very probable there was some greater matter against her, which the king, upon reason of policy, and to avoid envy, would not publish. It is likewise no small argument that there was some secret in it, and some suppressing of examinations, for that the priest Simon himself, after he was taken, was never brought to execution; no not so much as to public trial, as many clergymen were upon less treasons, but was only shut up close in a dungeon. Add to this, that after the earl of Lincoln, a principal person of the house of York, was slain in Stoke-field, the king opened himself to some of his council that he was sorry for the earl's death, because by him, he said, he might have known the bottom of his danger.

But to return to the narration itself: Simon did first instruct his scholar for the part of Richard, duke of York, second son to king Edward the fourth: and this was at such a time as it was voiced, that the king purposed to put to death Edward Plantagenet, prisoner in the Tower, whereat there was great murmur. But hearing soon after a general bruit that Plantagenet had escaped out of the Tower, and thereby finding him so much beloved amongst the people, and such rejoicing at his escape, the cunning priest changed his copy, and chose now Plantagenet to be the subject his pupil should personate, because he was more in the present speech and votes of the people; and it pieced better, and followed more close and handsomely, upon the bruit of Plantagenet's escape. But yet doubting that there would be too near looking, and too much perspective into his disguise, if he should show it here in England; he thought good, after the manner of scenes in stage-plays and masks, to show it afar off; and therefore sailed with his scholar into Ireland, where the affection to the house of York was most in height. The king had been a little improvident in the matters of Ireland, and had not removed officers and counsellors, and put in their places, or at least intermingled, persons of whom he stood assured, as he should have done, since he knew the strong bent of that country towards the house of York; and that it was a ticklish and unsettled state, more easy to receive distempers and mutations than England was. But trusting to the reputation of his victories and successes in England, he thought he should have time enough to extend his cares afterwards to that second kingdom.

Wherefore through this neglect, upon the coming of Simon with his pretended Plantagenet into Ireland, all things were prepared for revolt and sedition, almost as if they had been set and plotted beforehand. Simon's first address was to the lord Thomas Fitz-Gerard, earl of Kildare, and deputy of Ireland; before whose eyes he did cast such a mist, by his own insinuation, and by the carriage of his youth, that expressed a natural princely behaviour, as joined perhaps with some inward vapours of ambition and affection in the earl's own mind, left him fully possessed, that it was the true Plantagenet. The earl presently communicated the matter with some of the nobles, and others there, at the first secretly; but finding them of like affection to himself, he suffered it of purpose to vent and pass abroad; because they thought it not safe to resolve, till they had a taste of the people's inclination. But if the great ones were in forwardness, the people were in fury,

entertaining this airy body or phantasm with incredible affection; partly, out of their great devotion to the house of York; partly, out of a proud humour in the nation, to give a king to the realm of England. Neither did the party, in this heat of affection, much trouble themselves with the attainder of George, duke of Clarence; having newly learned by the king's example, that attainders do not interrupt the conveying of title to the crown. And as for the daughters of king Edward the fourth, they thought king Richard had said enough for them; and took them to be but as of the king's party, because they were in his power and at his disposing. So that with marvellous consent and applause, this counterfeit Plantagenet was brought with great solemnity to the castle of Dublin, and there saluted, served, and honoured as king; the boy becoming it well, and doing nothing that did bewray the baseness of his condition. And within a few days after he was proclaimed king in Dublin, by the name of king Edward the sixth; there being not a sword drawn in king Henry his quarrel.

The king was much moved with this unexpected accident when it came to his ears, both because it struck upon that string which ever he most feared, as also because it was stirred in such a place, where he could not with safety transfer his own person to suppress it. For partly through natural valour, and partly through an universal suspicion, not knowing whom to trust, he was ever ready to wait upon all his achievements in person. The king therefore first called his council together at the charter-house at Shine; which council was held with great secresy, but the open decrees thereof, which presently came abroad, were three.

The first was, that the queen dowager, for that she, contrary to her pact and agreement with those that had concluded with her concerning the marriage of her daughter Elizabeth with king Henry, had nevertheless delivered her daughters out of sanctuary into king Richard's hands, should be cloistered in the nunnery of Bermondsey, and forfeit all her lands and goods.

The next was, that Edward Plantagenet, then close prisoner in the Tower, should be, in the most public and notorious manner that could be devised, showed unto the people: in part to discharge the king of the envy of that opinion and bruit, how he had been put to death privily in the Tower; but chiefly to make the people see the levity and imposture of the proceedings of Ireland, and that their Plantagenet was indeed but a puppet or a counterfeit.

The third was, that there should be again proclaimed a general pardon to all that would reveal their offences, and submit themselves by a day. And that this pardon should be conceived in so ample and liberal a manner, as no high-treason, no not against the king's own person, should be excepted. Which though it might seem strange, yet was it not so to a wise king, that knew his greatest dangers were not from the least treasons, but from the greatest. These resolutions of the king and his council were immediately put in execution. And first, the queen dowager was put into the monastery of Bermondsey, and all her estates seized into the king's hands; whereat there was much wondering; that a weak woman, for the yielding to the menaces and promises of a tyrant, after such a distance of time, wherein the king had showed no displeasure nor alteration, but much more after so happy a marriage between the king and her daughter, blessed with issue male, should, upon a sudden mutability or disclosure of the king's mind, be so severely handled.

This lady was amongst the examples of great variety of fortune. She had first from a distressed suitor, and desolate widow, been taken to the marriage bed of a bachelor king, the goodliest personage of his time; and even in his reign she had endured a strange eclipse by the king's flight, and temporary depriving from the crown. She was also very happy in that she had by him fair issue; and continued his nuptial love, helping herself by some obsequious bearing and dissembling of his pleasures, to the very end. She was much affectionate to her own kindred, even unto faction; which did stir great envy in the lords of the king's side, who counted her blood a disparagement to be mingled with the king's. With which lords of the king's blood joined also the king's favourite, the lord Hastings; who, notwithstanding the king's great affection to him, was thought at times, through her malice and spleen, not to be out of danger of falling. After her husband's death she was matter of tragedy, having lived to see her brother beheaded, and her two sons deposed from the crown, bastarded in their blood, and cruelly murdered. All this while nevertheless she enjoyed her liberty, state, and fortunes: but afterwards again, upon the rise of the wheel, when she had a king to her son-in-law, and was made grandmother to a grandchild, of the best sex; yet was she, upon dark and unknown reasons, and no less strange pretences, precipitated and banished the world into a nunnery; where it was almost thought dangerous to visit her, or see her; and where not long after she ended her life: but was by the king's commandment buried with the king her husband at Windsor. She was foundress of queen's college in Cambridge. For this act the king sustained great obloquy, which nevertheless, besides the reason of state, was somewhat sweetened to him by a great confiscation.

About this time also, Edward Plantagenet was upon a Sunday brought throughout all the principal streets of London, to be seen of the people. And having passed the view of the streets, was conducted to Paul's church in solemn procession, where great store of people were assembled. And it was provided also in good fashion, that divers of the nobility, and others of quality, especially of those that the king most suspected, and knew the person of Plantagenet best, had communication with the young gentleman by the way, and entertained him with speech and discourse; which did in effect mar the pageant in Ireland with the subjects here, at least with so many, as out of error, and not out of malice, might be misled. Nevertheless in Ireland, where it was too late to go back, it wrought little or no effect. But contrariwise, they turned the imposture

upon the king; and gave out that the king, to defeat the true inheritor, and to mock the world, and blind the eyes of simple men, had tricked up a boy in the likeness of Edward Plantagenet, and showed him to the people; and not sparing to profane the ceremony of a procession, the more to countenance the fable.

The general pardon likewise near the same time came forth; and the king therewithal omitted no diligence, in giving strait order for the keeping of the ports, that fugitives, malecontents, or suspected persons, might not pass over into Ireland and Flanders.

Meanwhile the rebels in Ireland had sent privy messengers both into England and into Flanders, who in both places had wrought effects of no small importance. For in England they won to their party John, earl of Lincoln, son of John de la Pole, duke of Suffolk, and of Elizabeth, king Edward the fourth's eldest sister. This earl was a man of great wit and courage, and had his thoughts highly raised by hopes and expectations for a time: for Richard the third had a resolution, out of his hatred to both his brethren, king Edward, and the duke of Clarence, and their lines, having had his hand in both their bloods, to disable their issues upon false and incompetent pretexts; the one of attainder, the other of illegitimation; and to design this gentleman, in case himself should die without children, for inheritor of the crown. Neither was this unknown to the king, who had secretly an eye upon him. But the king, having tasted the envy of the people for his imprisonment of Edward Plantagenet, was doubtful to heap up any more distastes of that kind, by the imprisonment of de la Pole also; the rather thinking it policy to conserve him as a corrival unto the other. The earl of Lincoln was induced to participate with the action of Ireland, not lightly upon the strength of the proceedings there, which was but a bubble, but upon letters from the lady Margaret of Burgundy, in whose succours and declaration for the enterprise there seemed to be a more solid foundation, both for reputation and forces. Neither did the earl refrain the business, for that he knew the pretended Plantagenet to be but an idol. But contrariwise, he was more glad it should be the false Plantagenet than the true; because the false being sure to fall away of himself, and the true to be made sure by the king, it might open and pave a fair and prepared way to his own title. With this resolution he sailed secretly into Flanders, where was a little before arrived the lord Lovel, leaving a correspondence here in England with Sir Thomas Broughton, a man of great power and dependencies in Lancashire. For before this time, when the pretended Plantagenet was first received in Ireland, secret messengers had been also sent to the lady Margaret, advertising her what was passed in Ireland, imploring succours in an enterprise, as they said, so pious and just, that God had so miraculously prospered the beginning thereof; and making offer, that all things should be guided by her will and direction, as the sovereign patroness and protectoress of the enterprise. Margaret was second sister to king Edward the fourth, and had been second wife to Charles, surnamed the Hardy, duke of Burgundy; by whom having no children of her own, she did with singular care and tenderness intend the education of Philip and Margaret, grandchildren to her former husband; which won her great love and authority among the Dutch. This princess, having the spirit of a man, and malice of a woman, abounding in treasure by the greatness of her dower and her provident government, and being childless, and without any nearer care, made it her design and enterprise, to see the majesty royal of England once again replaced in her house; and had set up king Henry as a mark, at whose overthrow all her actions should aim and shoot; insomuch as all the counsels of his succeeding troubles came chiefly out of that quiver. And she bare such a mortal hatred to the house of Lancaster, and personally to the king, as she was no ways mollified by the conjunction of the houses in her niece's marriage, but rather hated her niece, as the means of the king's ascent to the crown, and assurance therein. Wherefore with great violence of affection she embraced this overture. And upon counsel taken with the earl of Lincoln, and the lord Lovel, and some other of the party, it was resolved with all speed, the two lords, assisted with a regiment of two thousand Almains, being choice and veteran bands, under the command of Martin Swart, a valiant and experimented captain, should pass over into Ireland to the new king; hoping, that when the action should have the face of a received and settled regality, with such a second person as the earl of Lincoln, and the conjunction and reputation of foreign succours, the fame of it would imbolden and prepare all the party of the confederates and malecontents within the realm of England to give them assistance when they should come over there. And for the person of the counterfeit, it was agreed, that if all things succeeded well he should be put down, and the true Plantagenet received; wherein nevertheless the earl of Lincoln had his particular hopes. After they were come into Ireland, and that the party took courage, by seeing themselves together in a body, they grew very confident of success; conceiving and discoursing amongst themselves, that they went in upon far better cards to overthrow king Henry, than king Henry had to overthrow king Richard; and that if there were not a sword drawn against them in Ireland, it was a sign the swords in England would be soon sheathed or beaten down. And first, for a bravery upon this accession of power, they crowned their new king in the cathedral church of Dublin; who formerly had been but proclaimed only; and then sat in council, what should farther be done. At which council, though it were propounded by some, that it were the best way to establish themselves first in Ireland, and to make that the seat of the war, and to draw king Henry thither in person, by whose absence they thought there would be great alterations and commotions in England; yet because the kingdom there was poor, and they should not be able to keep their army together, nor pay their German soldiers, and for that also the sway of the Irishmen, and generally of the men of war, which,

as in such cases of popular tumults is usual, did in effect govern their leaders, was eager, and in affection to make their fortunes upon England; it was concluded with all possible speed to transport their forces into England. The king, in the mean time, who at the first when he heard what was done in Ireland, though it troubled him, yet thought he should be well enough able to scatter the Irish as a flight of birds, and rattle away this swarm of bees with their king; when he heard afterwards that the earl of Lincoln was embarked in the action, and that the lady Margaret was declared for it; he apprehended the danger in a true degree as it was, and saw plainly that his kingdom must again be put to the stake, and that he must fight for it. And first he did conceive, before he understood of the earl of Lincoln's sailing into Ireland out of Flanders, that he should be assailed both upon the east parts of the kingdom of England, by some impression from Flanders, and upon the north-west out of Ireland. And therefore having ordered musters to be made in both parts, and having provisionally designed two generals, Jasper, earl of Bedford, and John, earl of Oxford, meaning himself also to go in person where the affairs should most require it, and nevertheless not expecting any actual invasion at that time, the winter being far on, he took his journey himself towards Suffolk and Norfolk, for the confirming of those parts. And being come to St. Edmond's-Bury, he understood that Thomas marquis Dorset, who had been one of the pledges in France, was hasting towards him, to purge himself of some accusations which had been made against him. But the king, though he kept an ear for him, yet was the time so doubtful, that he sent the earl of Oxford to meet him, and forthwith to carry him to the Tower; with a fair message nevertheless, that he should bear that disgrace with patience, for that the king meant not his hurt, but only to preserve him from doing hurt, either to the king's service, or to himself; and that the king should always be able, when he had cleared himself, to make him reparation.

From St. Edmond's-Bury he went to Norwich, where he kept his Christmas. And from thence he went, in a manner of pilgrimage, to Walsingham, where he visited our lady's church famous for miracles, and made his prayers and vows for help and deliverance. And from thence he returned by Cambridge to London. Not long after, the rebels, with their king, under the leading of the earl of Lincoln, the earl of Kildare, the lord Lovel, and colonel Swart, landed at Fouldrey in Lancashire; whither there repaired to them Sir Thomas Broughton, with some small company of English. The king, by that time, knowing now the storm would not divide, but fall in one place, had levied forces in good number; and in person, taking with him his two designed generals, the duke of Bedford, and the earl of Oxford, was come on his way towards them as far as Coventry, whence he sent forth a troop of light horsemen for discovery, and to intercept some stragglers of the enemies, by whom he might the better understand the particulars of their progress and purposes, which was accordingly done; though the king otherwise was not without intelligence from espials in the camp.

The rebels took their way toward York, without spoiling the country, or any act of hostility, the better to put themselves into favour of the people, and to personate their king; who, no doubt, out of a princely feeling, was sparing and compassionate towards his subjects: but their snow-ball did not gather as it went. For the people came not in to them; neither did any rise or declare themselves in other parts of the kingdom for them; which was caused partly by the good taste that the king had given his people of his government, joined with the reputation of his felicity; and partly for that it was on odious thing to the people of England, to have a king brought in to them upon the shoulders of Irish and Dutch, of which their army was in substance compounded. Neither was it a thing done with any great judgment on the party of the rebels, for them to take their way towards York: considering that howsoever those parts had formerly been a nursery of their friends; yet it was there, where the lord Lovel had so lately disbanded, and where the king's presence had a little before qualified discontents. The earl of Lincoln, deceived of his hopes of the countries' concourse unto him, in which case he would have temporized; and seeing the business past retract, resolved to make on where the king was, and to give him battle; and thereupon marched towards Newark, thinking to have surprised the town. But the king was somewhat before this time come to Nottingham, where he called a council of war, in which was consulted whether it were best to protract time, or speedily to set upon the rebels. In which council the king himself, whose continual vigilancy did suck in sometimes causeless suspicions, which few else knew, inclined to the accelerating a battle; but this was presently put out of doubt, by the great aids that came in to him in the instant of this consultation, partly upon missives, and partly voluntaries, from many parts of the kingdom.

The principal persons that came then to the king's aid, were the earl of Shrewsbury, and the lord Strange, of the nobility; and of knights and gentlemen, to the number of at least threescore and ten persons, with their companies, making in the whole, at the least, six thousand fighting men, besides the forces that were with the king before. Whereupon the king, finding his army so bravely reinforced, and a great alacrity in all his men to fight, was confirmed in his former resolution, and marched speedily, so as he put himself between the enemies' camp and Newark; being loth their army should get the commodity of that town. The earl, nothing dismayed, came forwards that day unto a little village called Stoke, and there encamped that night, upon the brow or hanging of a hill. The king the next day presented him battle upon the plain, the fields there being open and champain. The earl courageously came down and joined battle with him. Concerning which battle the relations that are left unto us are so naked and negligent, though it be an action of so recent memory, as they rather declare the success of the day, than the manner of the fight. They say,

that the king divided his army into three battails; whereof the vant-guard only, well strengthened with wings, came to fight: that the fight was fierce and obstinate, and lasted three hours, before the victory inclined either way; save that judgment might be made by that the king's vant-guard of itself maintained fight against the whole power of the enemies, the other two battails remained out of action, what the success was like to be in the end: that Martin Swart with his Germans performed bravely, and so did those few English that were on that side; neither did the Irish fail in courage or fierceness; but being almost naked men, only armed with darts and skeins, it was rather an execution than a fight upon them; insomuch as the furious slaughter of them was a great discouragement and appalment to the rest: that there died upon the place all the chieftains; that is, the earl of Lincoln, the earl of Kildare, Francis lord Lovel, Martin Swart, and Sir Thomas Broughton; all making good the fight, without any ground given. Only of the lord Lovel there went a report, that he fled, and swam over Trent on horseback, but could not recover the farther side, by reason of the steepness of the bank, and so was drowned in the river. But another report leaves him not there, but that he lived long after in a cave or vault. The number that was slain in the field, was of the enemies' part four thousand at the least; and of the king's part, one half of his vant-guard, besides many hurt, but none of name. There were taken prisoners, amongst others, the counterfeit Plantagenet, now Lambert Simnell again, and the crafty priest his tutor. For Lambert, the king would not take his life, both out of magnanimity, taking him but as an image of wax, that others had tempered and molded; and likewise out of wisdom, thinking that if he suffered death, he would be forgotten too soon; but being kept alive, he would be a continual spectacle, and a kind of remedy against the like enchantments of people in time to come. For which cause he was taken into service in his court to a base office in his kitchen; so that, in a kind of *mattacina* of human fortune, he turned a broach, that had worn a crown; whereas fortune commonly doth not bring in a comedy or farce after a tragedy. And afterwards he was preferred to be one of the king's falconers. As to the priest, he was committed close prisoner, and heard of no more; the king loving to seal up his own dangers.

After the battle the king went to Lincoln, where he caused supplications and thanksgivings to be made for his deliverance and victory. And that his devotions might go round in circle, he sent his banner to be offered to our lady of Walsingham, where before he made his vows. And thus delivered of this so strange an engine, and new invention of fortune, he returned to his former confidence of mind; thinking now, that all his misfortunes had come at once. But it fell out unto him according to the speech of the common people in the beginning of his reign, that said, It was a token he should reign in labour, because his reign began with a sickness of sweat. But howsoever the king thought himself now in a haven, yet such was his wisdom, as his confidence did seldom darken his foresight, especially in things near hand. And therefore, awakened by so fresh and unexpected dangers, he entered into due consideration, as well how to weed out the partakers of the former rebellion, as to kill the seeds of the like in time to come: and withal to take away all shelters and harbours for discontented persons, where they might hatch and foster rebellions, which afterwards might gather strength and motion. And first, he did yet again make a progress from Lincoln to the northern parts, though it were indeed rather an itinerary circuit of justice than a progress. For all along as he went, with much severity and strict inquisition, partly by martial law, and partly by commission, were punished the adherents and aiders of the late rebels. Not all by death, for the field had drawn much blood, but by fines and ransoms, which spared life, and raised treasure. Amongst other crimes of this nature, there was diligent inquiry made of such as had raised and dispersed a bruit and rumour, a little before the field fought, "that the rebels had the day; and that the king's army was overthrown, and the king fled." Whereby it was supposed that many succours, which otherwise would have come unto the king, were cunningly put off and kept back. Which charge and accusation, though it had some ground, yet it was industriously embraced and put on by divers, who having been in themselves not affected to the king's part, nor forward to come to his aid, were glad to apprehend this colour to cover their neglect and coldness, under the pretence of such discouragements. Which cunning nevertheless the king would not understand, though he lodged it, and noted it in some particulars, as his manner was.

But for the extirpating of the roots and causes of the like commotions in time to come, the king began to find where his shoe did wring him, and that it was his depressing the house of York that did rankle and fester the affections of his people. And therefore being now too wise to disdain perils any longer, and willing to give some contentment in that kind, at least in ceremony, he resolved at last to proceed to the coronation of his queen. And therefore at his coming to London, where he entered in state, and in a kind of triumph, and celebrated his victory with two days of devotion, for the first day he repaired to Paul's and had the hymn of "Te Deum" sung, and the morrow after he went in procession, and heard the sermon at the cross, the queen was with great solemnity crowned at Westminster, the five and twentieth of November, in the third year of his reign, which was about two years after the marriage; like an old christening, that had stayed long for godfathers. Which strange and unusual distance of time made it subject to every man's note, that it was an act against his stomach, and put upon him by necessity and reason of state. Soon after, to show that it was now fair weather again, and that the imprisonment of Thomas, marquis Dorset, was rather upon suspicion of the time, than of the man, he, the said marquis, was set at liberty, without examination or other circumstance. At that time also the king sent an ambassador unto pope Innocent, signifying

unto him this his marriage; and that now, like another Æneas, he had passed through the floods of his former troubles and travels, and was arrived unto a safe haven: and thanking his Holiness that he had honoured the celebration of his marriage with the presence of his ambassador; and offering both his person and the forces of his kingdom, upon all occasions, to do him service.

The ambassador making his oration to the pope, in the presence of the cardinals, did so magnify the king and queen, as was enough to glut the hearers. But then he did again so extol and deify the pope, as made all that he had said in praise of his master and mistress seem temperate and passable. But he was very honourably entertained, and extremely much made on by the pope: who knowing himself to be lazy and unprofitable to the christian world, was wonderfully glad to hear that there were such echoes of him sounding in remote parts. He obtained also of the pope a very just and honourable bull, qualifying the privileges of sanctuary, wherewith the king had been extremely galled, in three points.

The first, that if any sanctuary man did by night, or otherwise, get out of sanctuary privily, and commit mischief and trespass, and then come in again, he should lose the benefit of sanctuary for ever after. The second, that howsoever the person of the sanctuary man was protected from his creditors, yet his goods out of sanctuary should not. The third, that if any took sanctuary for case of treason, the king might appoint him keepers to look to him in sanctuary.

The king also, for the better securing of his estate against mutinous and malecontented subjects, whereof he saw the realm was full, who might have their refuge into Scotland, which was not under key, as the ports were; for that cause, rather than for any doubt of hostility from those parts, before his coming to London, when he was at Newcastle, had sent a solemn ambassage unto James the third, king of Scotland, to treat and conclude a peace with him. The ambassadors were, Richard Fox, bishop of Exeter, and Sir Richard Edgcombe, comptroller of the king's house, who were honourably received and entertained there. But the king of Scotland labouring of the same disease that king Henry did, though more mortal, as afterwards appeared, that is, discontented subjects, apt to rise and raise tumult, although in his own affection he did much desire to make a peace with the king; yet finding his nobles averse, and not daring to displease them, concluded only a truce for seven years; giving nevertheless promise in private, that it should be renewed from time to time during the two kings' lives.

Hitherto the king had been exercised in settling his affairs at home. But about this time brake forth an occasion that drew him to look abroad, and to hearken to foreign business. Charles the eighth the French king, by the virtue and good fortune of his two immediate predecessors, Charles the seventh his grandfather, and Lewis the eleventh his father, received the kingdom of France in more flourishing and spread estate than it had been of many years before: being redintegrate in those principal members, which anciently had been portions of the crown of France, and were afterward dissevered, so as they remained only in homage, and not in sovereignty, being governed by absolute princes of their own, Anjou, Normandy, Provence, and Burgundy. There remained only Britain to be reunited, and so the monarchy of France to be reduced to the ancient terms and bounds.

King Charles was not a little inflamed with an ambition to re-purchase and re-annex that duchy; which his ambition was a wise and well-weighed ambition; not like unto the ambitions of his succeeding enterprises of Italy. For at that time, being newly come to the crown, he was somewhat guided by his father's counsels, counsels not counsellors, for his father was his own council, and had few able men about him. And that king, he knew well, had ever distasted the designs of Italy, and in particular had an eye upon Britain. There were many circumstances that did feed the ambition of Charles with pregnant and apparent hopes of success: the duke of Britain old, and entered into a lethargy, and served with mercenary counsellors, father of two only daughters, the one sickly and not like to continue; king Charles himself in the flower of his age, and the subjects of France at that time well trained for war, both for leaders and soldiers; men of service being not yet worn out since the wars of Lewis against Burgundy. He found himself also in peace with all his neighbour princes. As for those that might oppose to his enterprise, Maximilian king of the Romans, his rival in the same desires, (as well for the duchy, as the daughter,) feeble in means; and king Henry of England, as well somewhat obnoxious to him for his favours and benefits, as busied in his particular troubles at home. There was also a fair and specious occasion offered him to hide his ambition, and to justify his warring upon Britain; for that the duke had received and succoured Lewis duke of Orleans, and other of the French nobility, which had taken arms against their king. Wherefore king Charles, being resolved upon that war, knew well he could not receive any opposition so potent, as if king Henry should, either upon policy of state, in preventing the growing greatness of France, or upon gratitude unto the duke of Britain for his former favours in the time of his distress, espouse that quarrel, and declare himself in aid of the duke. Therefore he no sooner heard that king Henry was settled by his victory, but forthwith he sent ambassadors unto him to pray his assistance, or at least that he would stand neutral. Which ambassadors found the king at Leicester, and delivered their ambassage to this effect: They first imparted unto the king the success that their master had had a little before against Maximilian, in recovery of certain towns from him: which was done in a kind of privacy, and inwardness towards the king: as if the French king did not esteem him for an outward or formal confederate, but as one that had part in his affections and fortunes, and with whom he took pleasure to communicate his business. After this compliment, and some gratulation for the

king's victory, they fell to their errand; declaring to the king, That their master was enforced to enter into a just and necessary war with the duke of Britain, for that he had received and succoured those that were traitors and declared enemies unto his person and state. That they were no mean, distressed, and calamitous persons that fled to him for refuge, but of so great quality, as it was apparent that they came not thither to protect their own fortune, but to infest and invade his; the head of them being the duke of Orleans, the first prince of the blood, and the second person of France. That therefore, rightly to understand it, it was rather on their master's part a defensive war than an offensive; as that that could not be omitted or forborne, if he tendered the conservation of his own estate; and that it was not the first blow that made the war invasive, for that no wise prince would stay for, but the first provocation, or at least the first preparation; nay, that this war was rather a suppression of rebels, than a war with a just enemy; where the case is, that his subjects, traitors, are received by the duke of Britain his homager. That king Henry knew well what went upon it in example, if neighbour princes should patronize and comfort rebels against the law of nations and of leagues. Nevertheless that their master was not ignorant, that the king had been beholden to the duke of Britain in his adversity; as on the other side, they knew he would not forget also the readiness of their king, in aiding him when the duke of Britain, or his mercenary counsellors, failed him, and would have betrayed him; and that there was a great difference between the courtesies received from their master, and the duke of Britain: for that the duke's might have ends of utility and bargain; whereas their master's could not have proceeded but out of entire affection; for that, if it had been measured by a politic line, it had been better for his affairs, that a tyrant should have reigned in England, troubled and hated, than such a prince, whose virtues could not fail to make him great and potent, whensoever he was come to be master of his affairs. But howsoever it stood for the point of obligation which the king might owe to the duke of Britain, yet their master was well assured, it would not divert king Henry of England from doing that that was just, nor ever embark him in so ill-grounded a quarrel. Therefore, since this war, which their master was now to make, was but to deliver himself from imminent dangers, their king hoped the king would show the like affection to the conservation of their master's estate, as their master had, when time was, showed to the king's acquisition of his kingdom. At the least, that according to the inclination which the king had ever professed of peace, he would look on, and stand neutral; for that their master could not with reason press him to undertake part in the war, being so newly settled and recovered from intestine seditions. But touching the mystery of re-annexing of the duchy of Britain to the crown of France, either by war, or by marriage with the daughter of Britain, the ambassadors bare aloof from it as from a rock, knowing that it made most against them. And therefore by all means declined any mention thereof, but contrariwise interlaced, in their conference with the king, the assured purpose of their master to match with the daughter of Maximilian; and entertained the king also with some wandering discourses of their king's purpose, to recover by arms his right to the kingdom of Naples, by an expedition in person; all to remove the king from all jealousy of any design in these hither parts upon Britain, otherwise than for quenching of the fire which he feared might be kindled in his own estate.

The king, after advice taken with his council, made answer to the ambassadors: and first returned their compliment, showing he was right glad of the French king's reception of those towns from Maximilian. Then he familiarly related some particular passages of his own adventures and victory passed. As to the business of Britain, the king answered in few words; that the French king, and the duke of Britain, were the two persons to whom he was most obliged of all men; and that he should think himself very unhappy if things should go so between them, as he should not be able to acquit himself in gratitude towards them both; and that there was no means for him as a christian king, and a common friend to them, to satisfy all obligations both to God and man, but to offer himself for a mediator of an accord and peace between them; by which course he doubted not but their king's estate, and honour both, would be preserved with more safety and less envy than by a war; and that he would spare no costs or pains, no, if it were to go on pilgrimage, for so good an effect; and concluded, that in this great affair, which he took so much to heart, he would express himself more fully by an ambassage, which he would speedily despatch unto the French king for that purpose. And in this sort the French ambassadors were dismissed: the king avoiding to understand any thing touching the re-annexing of Britain, as the ambassadors had avoided to mention it; save that he gave a little touch of it in the word *envy*. And so it was, that the king was neither so shallow, nor so ill advertised, as not to perceive the intention of the French for the investing himself of Britain. But first, he was utterly unwilling, howsoever he gave out, to enter into war with France. A fame of a war he liked well, but not an achievement; for the one he thought would make him richer, and the other poorer; and he was possessed with many secret fears touching his own people, which he was therefore loth to arm, and put weapons into their hands. Yet notwithstanding, as a prudent and courageous prince, he was not so averse from a war, but that he was resolved to choose it, rather than to have Britain carried by France, being so great and opulent a duchy, and situate so opportunely to annoy England, either for coast or trade. But the king's hopes were, that partly by negligence, commonly imputed to the French, especially in the court of a young king, and partly by the native power of Britain itself, which was not small; but chiefly in respect of the great party that the duke of Orleans had in the kingdom of France,

and thereby means to stir up civil troubles, to divert the French king from the enterprise of Britain. And lastly, in regard of the power of Maximilian, who was corrival to the French king in that pursuit, the enterprise would either bow to a peace, or break in itself. In all which the king measured and valued things amiss, as afterwards appeared. He sent therefore forthwith to the French king Christopher Urswick, his chaplain, a person by him much trusted and employed: choosing him the rather, because he was a churchman, as best sorting with an ambassy of pacification: and giving him also a commission, that if the French king consented to treat, he should thence repair to the duke of Britain, and ripen the treaty on both parts. Urswick made declaration to the French king, much to the purpose of the king's answer to the French ambassador's here, instilling also tenderly some overture of receiving to grace the duke of Orleans, and some taste of conditions of accord. But the French king on the other side proceeded not sincerely, but with a great deal of art and dissimulation in this treaty; having for his end, to gain time, and so put off the English succours under hope of peace, till he had got good footing in Britain by force of arms. Wherefore he answered the ambassador, that he would put himself into the king's hands, and make him arbiter of the peace; and willingly consented, that the ambassador should straightways pass into Britain, to signify this his consent, and to know the duke's mind likewise; well foreseeing that the duke of Orleans, by whom the duke of Britain was wholly led, taking himself to be upon terms irreconcilable with him, would admit of no treaty of peace. Whereby he should in one, both generally abroad veil over his ambition, and win the reputation of just and moderate proceedings: and should withal endear himself in the affections of the king of England, as one that had committed all to his will; nay, and which was yet more fine, make faith in him, that although he went on with the war, yet it should be but with the sword in his hand, to bend the stiffness of the other party to accept of peace; and so the king should take no umbrage of his arming and prosecution; but the treaty to be kept on foot till the very last instant, till he were master of the field.

Which grounds being by the French king wisely laid, all things fell out as he expected. For when the English ambassador came to the court of Britain, the duke was then scarcely perfect in his memory, and all things were directed by the duke of Orleans, who gave audience to the chaplain Urswick, and upon his ambassage delivered made answer in somewhat high terms: That the duke of Britain having been an host, and a kind of parent or foster-father to the king, in his tenderness of age and weakness of fortune, did look for at this time from king Henry, the renowned king of England, rather brave troops for his succours, than a vain treaty of peace. And if the king could forget the good offices of the duke done unto him aforetime; yet, he knew well, he would in his wisdom consider of the future, how much it imported his own safety and reputation, both in foreign parts, and with his own people, not to suffer Britain, the old confederate of England, to be swallowed up by France, and so many good ports and strong towns upon the coast be in the command of so potent a neighbour king, and so ancient an enemy. And therefore humbly desired the king to think of this business as his own: and therewith brake off, and denied any farther conference for treaty.

Urswick returned first to the French king, and related to him what had passed. Who finding things to sort to his desire, took hold of them, and said: That the ambassador might perceive now that which he for his part partly imagined before. That considering in what hands the duke of Britain was, there would be no peace but by a mixed treaty of force and persuasion: and therefore he would go on with the one, and desired the king not to desist from the other. But for his own part, he did faithfully promise to be still in the king's power, to rule him in the matter of peace. This was accordingly represented unto the king by Urswick at his return, and in such a fashion, as if the treaty were in no sort desperate, but rather stayed for a better hour, till the hammer had wrought and beat the party of Britain more pliant. Whereupon there passed continually packets and despatches between the two kings, from the one out of desire, and the other out of dissimulation, about the negotiation of peace. The French king mean while invaded Britain with great forces, and distressed the city of Nantz with a strait siege, and, as one, who though he had no great judgment, yet had that, that he could dissemble at home, the more he did urge the prosecution of the war, the more he did, at the same time, urge the solicitation of the peace. Insomuch as during the siege of Nantz, after many letters and particular messages, the better to maintain his dissimulation, and to refresh the treaty, he sent Bernard D'Aubigney, a person of good quality, to the king, earnestly to desire him to make an end of the business howsoever.

The king was no less ready to revive and quicken the treaty; and thereupon sent three commissioners, the abbot of Abingdon, Sir Richard Tunstal, and chaplain Urswick formerly employed, to do their utmost endeavours to manage the treaty roundly and strongly.

About this time the lord Woodvile, uncle to the queen, a valiant gentleman and desirous of honour, sued to the king that he might raise some power of voluntaries underhand, and without licence or passport, (wherein the king might any ways appear,) go to the aid of the duke of Britain. The king denied his request, or at least seemed so to do, and laid strait commandment upon him, that he should not stir, for that the king thought his honour would suffer therein, during a treaty, to better a party. Nevertheless this lord, either being unruly, or out of conceit that the king would not inwardly dislike that, which he would not openly avow, sailed directly over into the isle of Wight, whereof he was governor, and levied a fair troop of four hundred men, and with them passed over into Britain, and joined himself with the duke's forces. The

news whereof, when it came to the French court, put divers young bloods into such a fury, as the English ambassadors were not without peril to be outraged. But the French king, both to preserve the privilege of ambassadors, and being conscious to himself, that in the business of peace he himself was the greater dissembler of the two, forbad all injuries of fact or word against their persons or followers. And presently came an agent from the king, to purge himself touching the lord Woodvile's going over; using for a principal argument, to demonstrate that it was without his privity, for that the troops were so small, as neither had the face of a succour by authority, nor could much advance the Britain affairs. To which message although the French king gave no full credit, yet he made fair weather with the king, and seemed satisfied. Soon after the English ambassadors returned, having two of them been likewise with the duke of Britain, and found things in no other terms than they were before. Upon their return they informed the king of the state of affairs, and how far the French king was from any true meaning of peace; and therefore he was now to advise of some other course; neither was the king himself led all this while with credulity merely, as was generally supposed; but his error was not so much facility of belief, as an ill measuring of the forces of the other party.

For, as was partly touched before, the king had cast the business thus with himself. He took it for granted in his own judgment, that the war of Britain, in respect of the strength of the towns and of the party, could not speedily come to a period. For he conceived, that the counsels of a war, that was undertaken by the French king, then childless, against an heir apparent of France, would be very faint and slow; and, besides, that it was not possible, but that the state of France should be embroiled with some troubles and alterations in favour of the duke of Orleans. He conceived likewise, that Maximilian king of the Romans was a prince warlike and potent; who, he made account, would give succours to the Britains roundly. So then judging it would be a work of time, he laid his plot, how he might best make use of that time for his own affairs. Wherein first he thought to make his vantage upon his parliament; knowing that they being affectionate unto the quarrel of Britain, would give treasure largely: which treasure, as a noise of war would draw forth, so a peace succeeding might coffer up. And because he knew his people were hot upon the business, he chose rather to seem to be deceived, and lulled asleep by the French, than to be backward in himself; considering his subjects were not so fully capable of the reasons of state, which made him hold back. Wherefore to all these purposes he saw no other expedient, than to set and keep on foot a continual treaty of peace, laying it down, and taking it up again, as the occurrence required. Besides, he had in consideration the point of honour, in bearing the blessed person of a pacificator. He thought likewise to make use of the envy the French king met with, by occasion of this war of Britain, in strengthening himself with new alliances; as namely, that of Ferdinando of Spain, with whom he had ever a consent even in nature and customs; and likewise with Maximilian, who was particularly interested. So that in substance he promised himself money, honour, friends, and peace in the end. But those things were too fine to be fortunate and succeed in all parts; for that great affairs are commonly too rough and stubborn to be wrought upon by the finer edges or points of wit. The king was likewise deceived in his two main grounds. For although he had reason to conceive that the council of France would be wary to put the king into a war against the heir apparent of France; yet he did not consider that Charles was not guided by any of the principal of the blood or nobility, but by mean men, who would make it their master-piece of credit and favour, to give venturous counsels, which no great or wise man durst or would. And for Maximilian, he was thought then a greater matter than he was; his unstable and necessitous courses being not then known.

After consultation with the ambassadors, who brought him no other news than he expected before, though he would not seem to know it till then, he presently summoned his parliament, and in open parliament propounded the cause of Britain to both houses, by his chancellor Morton archbishop of Canterbury, who spake to this effect.

"My lords and masters, the king's Grace, our sovereign lord, hath commanded me to declare unto you the causes that have moved him at this time to summon this his parliament; which I shall do in few words, craving pardon of his Grace, and you all, if I perform it not as I would.

"His Grace doth first of all let you know, that he retaineth in thankful memory the love and loyalty showed to him by you, at your last meeting, in establishment of his royalty; freeing and discharging of his partakers, and confiscation of his traitors and rebels; more than which could not come from subjects to their sovereign, in one action. This he taketh so well at your hands, as he hath made it a resolution to himself, to communicate with so loving and well approved subjects, in all affairs that are of public nature, at home or abroad.

"Two therefore are the causes of your present assembling: the one, a foreign business; the other, matter of government at home.

"The French king, as no doubt ye have heard, maketh at this present hot war upon the duke of Britain. His army is now before Nantz, and holdeth it straitly besieged, being the principal city, if not in ceremony and pre-eminence, yet in strength and wealth, of that duchy. Ye may guess at his hopes, by his attempting of the hardest part of the war first. The cause of this war he knoweth best. He allegeth the entertaining and succouring of the duke of Orleans, and some other French lords, whom the king taketh for his enemies. Others divine of other matters. Both parts have, by their ambassadors, divers times prayed the king's aids; the French king aids or neutrality; the Britains aids simply: for so their case requireth. The king, as a christian prince, and blessed son of the holy church, hath offered himself, as a mediator, to treat of peace be-

tween them. The French king yielded to treat, but will not stay the prosecution of the war. The Britains, that desire peace most, hearken to it least; not upon confidence or stiffness, but upon distrust of true meaning, seeing the war goes on. So as the king, after as much pains and care to effect a peace, as ever he took in any business, not being able to remove the prosecution on the one side, nor the distrust on the other, caused by that prosecution, hath let fall the treaty; not repenting of it, but despairing of it now, as not likely to succeed. Therefore by this narrative you now understand the state of the question, whereupon the king prayeth your advice; which is no other, but whether he shall enter into an auxiliary and defensive war for the Britains against France?

"And the better to open your understandings in this affair, the king hath commanded me to say somewhat to you from him, of the persons that do intervene in this business; and somewhat of the consequence thereof, as it hath relation to this kingdom, and somewhat of the example of it in general: making nevertheless no conclusion or judgment of any point, until his Grace hath received your faithful and politic advices.

"First, for the king our sovereign himself, who is the principal person you are to eye in this business; his Grace doth profess, that he truly and constantly desireth to reign in peace. But his Grace saith, he will neither buy peace with dishonour, nor take it up at interest of danger to ensue; but shall think it a good change, if it please God to change the inward troubles and seditions, wherewith he hath been hitherto exercised, into an honourable foreign war. And for the other two persons in this action, the French king and the duke of Britain, his Grace doth declare unto you, that they be the men unto whom he is of all other friends and allies most bounden: the one having held over him his hand of protection from the tyrant; the other having reached forth unto him his hand of help for the recovery of his kingdom. So that his affection toward them in his natural person is upon equal terms. And whereas you may have heard, that his Grace was enforced to fly out of Britain into France, for doubts of being betrayed: his Grace would not in any sort have that reflect upon the duke of Britain, in defacement of his former benefits; for that he is throughly informed, that it was but the practice of some corrupt persons about him, during the time of his sickness, altogether without his consent or privity.

"But howsoever these things do interest his Grace in this particular, yet he knoweth well, that the higher bond that tieth him to procure by all means the safety and welfare of his loving subjects, doth disinterest him of these obligations of gratitude, otherwise than thus; that if his Grace be forced to make a war, he do it without passion or ambition.

"For the consequence of this action towards this kingdom, it is much as the French king's intention is. For if it be no more, but to range his subjects to reason, who bear themselves stout upon the strength of the duke of Britain, it is nothing to us. But if it be in the French king's purpose, or if it should not be in his purpose, yet if it shall follow all one as if it were sought, that the French king shall make a province of Britain, and join it to the crown of France; then it is worthy the consideration, how this may import England, as well in the increasement of the greatness of France, by the addition of such a country, that stretcheth his boughs unto our seas, as in depriving this nation, and leaving it naked of so firm and assured confederates as the Britains have always been. For then it will come to pass, that whereas not long since this realm was mighty upon the continent, first in territory, and after in alliance, in respect of Burgundy and Britain, which were confederates indeed, but dependent confederates; now the one being already cast, partly into the greatness of France; and partly into that of Austria, the other is like wholly to be cast into the greatness of France; and this island shall remain confined in effect within the salt waters, and girt about with the coast countries of two mighty monarchs.

"For the example, it resteth likewise upon the same question, upon the French king's intent. For if Britain be carried and swallowed up by France, as the world abroad, apt to impute and construe the actions of princes to ambition, conceive it will; then it is an example very dangerous and universal, that the lesser neighbour state should be devoured of the greater. For this may be the case of Scotland towards England; of Portugal towards Spain; of the smaller estates of Italy towards the greater; and so of Germany; or as if some of you of the commons might not live and dwell safely besides some of these great lords. And the bringing in of this example will be chiefly laid to the king's charge, as to him that was most interested, and most able to forbid it. But then on the other side, there is so fair a pretext on the French king's part, and yet pretext is never wanting to power, in regard the danger imminent to his own estate is such, as may make this enterprise seem rather a work of necessity than of ambition, as doth in reason correct the danger of the example. For that the example of that which is done in a man's own defence, cannot be dangerous; because it is in another's power to avoid it. But in all this business, the king remits himself to your grave and mature advice, whereupon he purposeth to rely."

This was the effect of the lord chancellor's speech touching the cause of Britain; for the king had commanded him to carry it so, as to affect the parliament towards the business; but without engaging the king in any express declaration.

The chancellor went on:

"For that which may concern the government at home, the king had commanded me to say unto you; that he thinketh there was never any king, for the small time that he hath reigned, had greater and juster cause of the two contrary passions of joy and sorrow, than his Grace hath. Joy, in respect of the rare and visible favours of Almighty God, in girding the imperial sword upon his side, and assisting the same his sword against all his enemies; and likewise in blessing him with so many good and loving

servants and subjects which have never failed to give him faithful counsel, ready obedience, and courageous defence. Sorrow, for that it hath not pleased God to suffer him to sheath his sword, as he greatly desired, otherwise than for administration of justice, but that he hath been forced to draw it so oft, to cut off traitorous and disloyal subjects, whom, it seems, God hath left, a few amongst many good, as the Canaanites amongst the people of Israel, to be thorns in their sides, to tempt and try them; though the end hath been always, God's name be blessed therefore, that the destruction hath fallen upon their own heads.

"Wherefore his Grace saith; That he seeth that it is not the blood spilt in the field that will save the blood in the city: nor the marshal's sword that will set this kingdom in perfect peace: but that the true way is, to stop the seeds of sedition and rebellion in their beginnings; and for that purpose to devise, confirm, and quicken good and wholesome laws against riots, and unlawful assemblies of people, and all combinations and confederacies of them, by liveries, tokens, and other badges of factious dependence; that the peace of the land may by these ordinances, as by bars of iron, be soundly bound in and strengthened, and all force, both in court, country, and private houses, be suppressed. The care hereof, which so much concerneth yourselves, and which the nature of the times doth instantly call for, his Grace commends to your wisdoms.

"And because it is the king's desire, that this peace, wherein he hopeth to govern and maintain you, do not bear only unto you leaves, for you to sit under the shade of them in safety; but also should bear you fruit of riches, wealth, and plenty: therefore his Grace prays you to take into consideration matter of trade, as also the manufactures of the kingdom, and to repress the bastard and barren employment of moneys to usury and unlawful exchanges; that they may be, as their natural use is, turned upon commerce, and lawful and royal trading. And likewise that our people be set on work in arts and handicrafts; that the realm may subsist more of itself; that idleness be avoided, and the draining out of our treasure for foreign manufactures stopped. But you are not to rest here only, but to provide farther, that whatsoever merchandise shall be brought in from beyond the seas, may be employed upon the commodities of this land; whereby the kingdom's stock of treasure may be sure to be kept from being diminished by any over-trading of the foreigner.

"And lastly, because the king is well assured, that you would not have him poor, that wishes you rich; he doubteth not but that you will have care, as well to maintain his revenues of customs and all other natures, as also to supply him with your loving aids, if the case shall so require. The rather, for that you know the king is a good husband, and but a steward in effect for the public; and that what comes from you, is but as moisture drawn from the earth, which gathers into a cloud, and falls back upon the earth again. And you know well, how the kingdoms about you grow more and more in greatness, and the times are stirring; and therefore not fit to find the king with an empty purse. More I have not to say to you; and wish, that what hath been said, had been better expressed: but that your wisdoms and good affections will supply. God bless your doings."

It was no hard matter to dispose and affect the parliament in this business; as well in respect of the emulation between the nations, and the envy at the late growth of the French monarchy; as in regard of the danger to suffer the French to make their approaches upon England, by obtaining so goodly a maritime province, full of sea-towns and havens, that might do mischief to the English, either by invasion, or by interruption of traffic. The parliament was also moved with the point of oppression; for although the French seemed to speak reason, yet arguments are ever with multitudes too weak for suspicions. Wherefore they did advise the king roundly to embrace the Britons' quarrel, and to send them speedy aids; and with much alacrity and forwardness granted to the king a great rate of subsidy, in contemplation of these aids. But the king, both to keep a decency towards the French king, to whom he profest himself to be obliged, and indeed desirous rather to show war than to make it; sent new solemn ambassadors to intimate unto him the decree of his estates, and to iterate his motion, that the French would desist from hostility; or if war must follow, to desire him to take it in good part, if at the motion of his people, who were sensible of the cause of the Britons as their ancient friends and confederates, he did send them succours; with protestation nevertheless, that, to save all treaties and laws of friendship, he had limited his forces, to proceed in aid of the Britons, but in no wise to war upon the French, otherwise than as they maintained the possession of Britain. But before this formal ambassage arrived, the party of the duke had received a great blow, and grew to manifest declaration. For near the town of St. Alban in Britain, a battle had been given, where the Britons were overthrown, and the duke of Orleans and the prince of Orange taken prisoners, there being slain on the Britons' part six thousand men, and amongst them the lord Woodvile, and almost all his soldiers, valiantly fighting. And of the French part, one thousand two hundred, with their leader James Galeot, a great commander.

When the news of this battle came over into England, it was time for the king, who now had no subterfuge to continue farther treaty, and saw before his eyes that Britain went so speedily for lost, contrary to his hopes: knowing also that with his people, and foreigners both, he sustained no small envy and disreputation for his former delays, to despatch with all possible speed his succours into Britain; which he did under the conduct of Robert, lord Brooke, to the number of eighty thousand choice men well armed; who having a fair wind, in few hours landed in Britain, and joined themselves forthwith to those Briton forces that remained after the defeat, and marched straight on to find the enemy, and encamped fast by them. The French wisely

husbanding the possession of a victory, well acquainted with the courage of the English, especially when they are fresh, kept themselves within their trenches, being strongly lodged, and resolved not to give battle. But meanwhile, to harass and weary the English, they did upon all advantages set upon them with their light horse; wherein nevertheless they received commonly loss, especially by means of the English archers.

But upon these achievements Francis, duke of Britain, deceased; an accident that the king might easily have foreseen, and ought to have reckoned upon and provided for, but that the point of reputation, when news first came of the battle lost, that somewhat must be done, did overbear the reason of war.

After the duke's decease, the principal persons of Britain, partly bought, partly through faction, put all things into confusion; so as the English not finding head or body with whom to join their forces, and being in jealousy of friends, as well as in danger of enemies, and the winter begun, returned home five months after their landing. So the battle of St. Alban, the death of the duke, and the retire of the English succours, were, after some time, the causes of the loss of that duchy; which action some accounted as a blemish of the king's judgment, but most but as the misfortune of his times.

But howsoever the temporary fruit of the parliament, in their aid and advice given for Britain, took not, nor prospered not; yet the lasting fruit of parliament, which is good and wholesome laws, did prosper, and doth yet continue to this day. For according to the lord chancellor's admonition, there were that parliament divers excellent laws ordained concerning the points which the king recommended.

First, the authority of the star-chamber, which before subsisted by the ancient common laws of the realm, was confirmed in certain cases by act of parliament. This court is one of the sagest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice, besides the high court of parliament, in which distribution the king's bench holdeth the pleas of the crown, the common-pleas pleas civil, the exchequer pleas concerning the king's revenue, and the chancery the pretorian power for mitigating the rigour of law, in case of extremity, by the conscience of a good man; there was nevertheless always reserved a high and pre-eminent power to the king's council in causes that might in example or consequence concern the state of the commonwealth; which if they were criminal, the council used to sit in the chamber called the star-chamber; if civil, in the white-chamber or white-hall. And as the chancery had the pretorian power for equity; so the star-chamber had the censorian power for offences under the degree of capital. This court of star-chamber is compounded of good elements, for it consisteth of four kinds of persons, counsellors, peers, prelates, and chief judges. It discerneth also principally of four kinds of causes, forces, frauds, crimes various of stellionate, and the inchoations or middle acts towards crimes capital or heinous, not actually committed or perpetrated. But that which was principally aimed at by this act was force, and the two chief supports of force, combination of multitudes, and maintenance or headship of great persons.

From the general peace of the country the king's care went on to the peace of the king's house, and the security of his great officers and counsellors. But this law was somewhat of a strange composition and temper. That if any of the king's servants under the degree of a lord, do conspire the death of any of the king's council or lord of the realm, it is made capital. This law was thought to be procured by the lord chancellor, who being a stern and haughty man, and finding he had some mortal enemies in court, provided for his own safety; drowning the envy of it in a general law, by communicating the privilege with all other counsellors and peers, and yet not daring to extend it farther than to the king's servants in check-roll, lest it should have been too harsh to the gentlemen, and other commons of the kingdom; who might have thought their ancient liberty, and the clemency of the laws of England, invaded, if the will in any case of felony should be made the deed. And yet the reason which the act yieldeth, that is to say, that he that conspireth the death of counsellors, may be thought indirectly, and by a mean, to conspire the death of the king himself, is indifferent to all subjects, as well as to servants in court. But it seemeth this sufficed to serve the lord chancellor's turn at this time. But yet he lived to need a general law, for that he grew afterwards as odious to the country, as he was then to the court.

From the peace of the king's house, the king's care extended to the peace of private houses and families. For there was an excellent moral law molded thus; the taking and carrying away of women forcibly and against their will, except female-wards and bond-women, was made capital. The parliament wisely and justly conceiving, that the obtaining of women, by force into possession, howsoever afterwards assent might follow by allurements, was but a rape drawn forth in length, because the first force drew on all the rest.

There was made also another law for peace in general, and repressing of murders and manslaughters, and was in amendment of the common laws of the realm; being this: That whereas by the common law the king's suit, in case of homicide, did expect the year and the day, allowed to the party's suit by way of appeal; and that it was found by experience, that the party was many times compounded with, and many times wearied with the suit, so that in the end such suit was let fall, and by that time the matter was in a manner forgotten, and thereby prosecution at the king's suit by indictment, which is ever best, *flagrante crimine*, neglected; it was ordained, that the suit by indictment might be taken as well at any time within the year and the day, as after; not prejudicing nevertheless the party's suit.

The king began also then, as well in wisdom as in justice, to pare a little the privilege of clergy, ordaining that clerks convict should be burned in the hand; both because they might taste of some

corporal punishment, and that they might carry a brand of infamy. But for this good act's sake, the king himself was after branded, by Perkin's proclamation, for an execrable breaker of the rites of holy church.

Another law was made for the better peace of the country; by which law the king's officers and farmers were to forfeit their places and holds, in case of unlawful retainer, or partaking in routs and unlawful assemblies.

These were the laws that were made for repressing of force, which those times did chiefly require; and were so prudently framed, as they are found fit for all succeeding times, and so continue to this day.

There were also made good and politic laws that parliament, against usury, which is the bastard use of money; and against unlawful chievances and exchanges, which is bastard usury; and also for the security of the king's customs; and for the employment of the procedures of foreign commodities, brought in by merchant-strangers, upon the native commodities of the realm; together with some other laws of less importance.

But howsoever the laws made in that parliament did bear good and wholesome fruit; yet the subsidy granted at the same time bare a fruit that proved harsh and bitter. All was inned at last into the king's barn, but it was after a storm. For when the commissioners entered into the taxation of the subsidy in Yorkshire, and the bishopric of Duresm; the people upon a sudden grew into great mutiny, and said openly, That they had endured of late years a thousand miseries, and neither could nor would pay the subsidy. This, no doubt, proceeded not simply of any present necessity, but much by reason of the old humour of those countries, where the memory of king Richard was so strong, that it lay like lees in the bottom of men's hearts; and if the vessel was but stirred, it would come up. And, no doubt, it was partly also by the instigation of some factious malecontents, that bare principal stroke amongst them. Hereupon the commissioners being somewhat astonished, deferred the matter unto the earl of Northumberland, who was the principal man of authority in those parts. The earl forthwith wrote unto the court, signifying to the king plainly enough in what flame he found the people of those countries, and praying the king's direction. The king wrote back peremptorily, That he would not have one penny abated, of that which had been granted to him by parliament; both because it might encourage other countries to pray the like release or mitigation; and chiefly because he would never endure that the base multitude should frustrate the authority of the parliament, wherein their votes and consents were concluded. Upon this despatch from court, the earl assembled the principal justices and freeholders of the country; and speaking to them in that imperious language, wherein the king had written to him, which needed not, save that a harsh business was unfortunately fallen into the hands of a harsh man, did not only irritate the people, but make them conceive, by the stoutness and haughtiness of delivery of the king's errand, that himself was the author or principal persuader of that counsel; whereupon the meaner sort routed together, and suddenly assailing the earl in his house, slew him, and divers of his servants: and rested not there, but creating for their leader Sir John Egremond, a factious person, and one that had of a long time borne an ill talent towards the king; and being animated also by a base fellow, called John a Chamber, a very boutefeu, who bare much sway amongst the vulgar and popular, entered into open rebellion; and gave out in flat terms, that they would go against king Henry, and fight with him for the maintenance of their liberties.

When the king was advertised of this new insurrection, being almost a fever that took him every year, after his manner little troubled therewith, he sent Thomas, earl of Surrey, whom he had a little before not only released out of the Tower, and pardoned, but also received to special favour, with a competent power against the rebels, who fought with the principal band of them, and defeated them, and took alive John a Chamber their firebrand. As for Sir John Egremond, he fled into Flanders to the lady Margaret of Burgundy, whose palace was the sanctuary and receptacle of all traitors against the king. John a Chamber was executed at York in great state; for he was hanged upon a gibbet raised a stage higher in the midst of a square gallows, as a traitor paramount; and a number of his men that were his chief accomplices, were hanged upon the lower story round about him; and the rest were generally pardoned. Neither did the king himself omit his custom, to be first or second in all his warlike exploits, making good his word, which was usual with him when he heard of rebels, that he desired but to see them. For immediately after he had sent down the earl of Surrey, he marched towards them himself in person. And although in his journey he heard news of the victory, yet he went on as far as York, to pacify and settle those countries; and that done, returned to London, leaving the earl of Surrey for his lieutenant in the northern parts, and Sir Richard Tunstal for his principal commissioner, to levy the subsidy, whereof he did not remit a denier.

About the same time that the king lost so good a servant as the earl of Northumberland, he lost likewise a faithful friend and ally of James the third, king of Scotland, by a miserable disaster. For this unfortunate prince, after a long smother of discontent, and hatred of many of his nobility and people breaking forth at times into seditions and alterations of court, was at last distressed by them, having taken arms, and surprised the person of prince James his son, partly by force, partly by threats, that they would otherwise deliver up the kingdom to the king of England, to shadow their rebellion, and to be the titular and painted head of those arms. Whereupon the king, finding himself too weak, sought unto king Henry, as also unto the pope, and the king of France, to compose those troubles between him and his subjects. The kings accordingly interposed their mediation in a round

and princely manner: not only by way of request and persuasion, but also by way of protestation and menace; declaring, That they thought it to be the common cause of all kings, if subjects should be suffered to give laws unto their sovereign, and that they would accordingly resent it, and revenge it. But the rebels, that had shaken off the greater yoke of obedience, had likewise cast away the lesser tie of respect. And fury prevailing above fear, made answer; That there was no talking of peace, except the king would resign his crown. Whereupon treaty of accord taking no place, it came to a battle at Bannocksbourn by Strivelin: in which battle the king, transported with wrath and just indignation, inconsiderately fighting and precipitating the charge, before his whole numbers came up to him, was, notwithstanding the contrary express and strait commandment of the prince his son, slain in the pursuit, being fled to a mill, situate in a field, where the battle was fought.

As for the pope's ambassy, which was sent by Adrian de Castello an Italian legate, and perhaps, as those times were, might have prevailed more, it came too late for the ambassy, but not for the ambassador. For passing through England and being honourably entertained, and received of king Henry, who ever applied himself with much respect to the see of Rome, he fell into great grace with the king, and great familiarity and friendship with Morton the chancellor: insomuch as the king taking a liking to him, and finding him to his mind, preferred him to the bishopric of Hereford, and afterwards to that of Bath and Wells, and employed him in many of his affairs of state, that had relation to Rome. He was a man of great learning, wisdom, and dexterity in business of state; and having not long after ascended to the degree of cardinal, paid the king large tribute of his gratitude, in diligent and judicious advertisement of the occurrents of Italy. Nevertheless, in the end of his time, he was partaker of the conspiracy, which cardinal Alphonso Petrucci and some other cardinals had plotted against the life of pope Leo. And this offence, in itself so heinous, was yet in him aggravated by the motive thereof, which was not malice or discontent, but an aspiring mind to the papacy. And in this height of impiety there wanted not an intermixture of levity and folly; for that, as was generally believed, he was animated to expect the papacy by a fatal mockery, the prediction of a soothsayer, which was, "That one should succeed pope Leo, whose name should be Adrian, an aged man of mean birth, and of great learning and wisdom." By which character and figure he took himself to be described, though it were fulfilled of Adrian the Fleming, son of a Dutch brewer, cardinal of Tortosa, and preceptor unto Charles the fifth; the same that, not changing his christian name, was afterwards called Adrian the sixth.

But these things happened in the year following, which was the fifth of this king. But in the end of the fourth year the king had called again his parliament, not, as it seemeth, for any particular occasion of state: but the former parliament being ended somewhat suddenly, in regard of the preparation for Britain, the king thought he had not remunerated his people sufficiently with good laws, which evermore was his retribution for treasure. And finding by the insurrection in the north, there was discontentment abroad, in respect of the subsidy, he thought it good to give his subjects yet farther contentment and comfort in that kind. Certainly his times for good commonwealth's laws did excel. So as he may justly be celebrated for the best lawgiver to this nation, after king Edward the first: for his laws, whoso marks them well, are deep, and not vulgar; not made upon the spur of a particular occasion for the present, but out of providence of the future, to make the estate of his people still more and more happy; after the manner of the legislators in ancient and heroical times.

First therefore he made a law, suitable to his own acts and times: for as himself had in his person and marriage made a final concord, in the great suit and title for the crown; so by this law he settled the like peace and quiet in the private possessions of the subjects: ordaining, "That fines thenceforth should be final, to conclude all strangers' rights;" and that upon fines levied and solemnly proclaimed, the subject should have his time of watch for five years after his title accrued; which if he forepassed, his right should be bound for ever after; with some exception nevertheless of minors, married women, and such incompetent persons.

This statute did in effect but restore an ancient statute of the realm, which was itself also made but in affirmance of the common law. The alteration had been by a statute, commonly called the statute of *non-claim*, made in the time of Edward the third. And surely this law was a kind of prognostic of the good peace, which since his time hath, for the most part, continued in this kingdom until this day: for statutes of *non-claim* are fit for times of war, when men's heads are troubled, that they cannot intend their estate; but statutes that quiet possessions, are fittest for times of peace, to extinguish suits and contentions, which is one of the banes of peace.

Another statute was made, of singular policy, for the population apparently, and, if it be thoroughly considered, for the soldiery and military forces of the realm.

Enclosures at that time began to be more frequent, whereby arable land, which could not be manured without people and families, was turned into pasture, which was easily rid by a few herdsmen; and tenances for years, lives, and at will, whereupon much of the yeomanry lived, were turned into demesnes. This bred a decay of people, and, by consequence, a decay of towns, churches, tithes, and the like. The king likewise knew full well, and in no wise forgot, that there ensued withal upon this a decay and diminution of subsidies and taxes; for the more gentlemen, ever the lower books of subsidies. In remedying of this inconveniences the king's wisdom was admirable, and the parliament's at that time. Enclosures they would not forbid, for that had been to forbid the improvement of the

patrimony of the kingdom; nor tillage they would not compel, for that was to strive with nature and utility; but they took a course to take away depopulating enclosures and depopulating pasturage, and yet not by that name, or by any imperious express prohibition, but by consequence. The ordinance was, "That all houses of husbandry, that were used with twenty acres of ground and upwards, should be maintained and kept up for ever; together with a competent proportion of land to be used and occupied with them;" and in no wise to be severed from them, as by another statute, made afterwards in his successor's time, was more fully declared: this upon forfeiture to be taken, not by way of popular action, but by seizure of the land itself by the king and lords of the fee, as to half the profits, till the houses and lands were restored. By this means the houses being kept up, did of necessity enforce a dweller; and the proportion of land for occupation being kept up, did of necessity enforce that dweller not to be a beggar or cottager, but a man of some substance, that might keep hinds and servants, and set the plough on going. This did wonderfully concern the might and mannerhood of the kingdom, to have farms as it were of a standard, sufficient to maintain an able body out of penury, and did in effect amortise a great part of the lands of the kingdom unto the hold and occupation of the yeomanry or middle people, of a condition between gentlemen and cottagers or peasants. Now, how much this did advance the military power of the kingdom, is apparent by the true principles of war and the examples of other kingdoms. For it hath been held by the general opinion of men of best judgment in the wars, howsoever some few have varied, and that it may receive some distinction of case, that the principal strength of an army consisteth in the infantry or foot. And to make good infantry, it requireth men bred, not in a servile or indigent fashion, but in some free and plentiful manner. Therefore if a state run most to noblemen and gentlemen, and that the husbandmen and ploughmen be but as their workfolks and labourers, or else mere cottagers, which are but housed beggars, you may have a good cavalry, but never good stable bands of foot; like to coppice woods, that if you leave in them staddles too thick, they will run to bushes and briers, and have little clean underwood. And this is to be seen in France and Italy, and some other parts abroad, where in effect all is noblesse or peasantry, I speak of people out of towns, and no middle people; and therefore no good forces of foot: insomuch as they are enforced to employ mercenary bands of Switzers, and the like, for their battalions of foot. Whereby also it comes to pass, that those nations have much people, and few soldiers. Whereas the king saw, that contrariwise it would follow, that England, though much less in territory, yet should have infinitely more soldiers of their native forces than those other nations have. Thus did the king secretly sow Hydra's teeth; whereupon, according to the poet's fiction, should rise up armed men for the service of the kingdom.

The king also, having care to make his realm potent, as well by sea as by land, for the better maintenance of the navy, ordained; "That wines and woads from the parts of Gascoign and Languedoc, should not be brought but in English bottoms;" bowing the ancient policy of this estate, from consideration of plenty to consideration of power. For that almost all the ancient statutes incite by all means merchant-strangers, to bring in all sorts of commodities; having for end cheapness, and not looking to the point of state concerning the naval power.

The king also made a statute in that parliament, monitory and minatory towards justices of peace, that they should duly execute their office, inviting complaints against them, first to their fellow-justices, then to the justices of assize, then to the king or chancellor: and that a proclamation which he had published of that tenor, should be read in open sessions four times a year, to keep them awake. Meaning also to have his laws executed, and thereby to reap either obedience or forfeitures, wherein towards his latter times he did decline too much to the left hand, he did ordain remedy against the practice that was grown in use, to stop and damp informations upon penal laws, by procuring informations by collusion to be put in by the confederates of the delinquents, to be faintly prosecuted, and let fall at pleasure; and pleading them in bar of the informations, which were prosecuted with effect.

He made also laws for the correction of the mint, and counterfeiting of foreign coin current. And that no payment in gold should be made to any merchant-stranger, the better to keep treasure within the realm, for that gold was the metal that lay in the least room.

He made also statutes for the maintenance of drapery, and the keeping of wools within the realm; and not only so, but for stinting and limiting the prices of cloth, one for the finer, and another for the coarser sort. Which I note, both because it was a rare thing to set prices by statute, especially upon our home commodities; and because of the wise model of this act, not prescribing prices, but stinting them not to exceed a rate; that the clothier might drape accordingly as he might afford.

Divers other good statutes were made that parliament, but these were the principal. And here I do desire those into whose hands this work shall fall, that they do take in good part my long insisting upon the laws that were made in this king's reign. Whereof I have these reasons; both because it was the pre-eminent virtue and merit of this king to whose memory I do honour; and because it hath some correspondence to my person; but chiefly because, in my judgment, it is some defect even in the best writers of history, that they do not often enough summarily deliver and set down the most memorable laws that passed in the times whereof they writ, being indeed the principal acts of peace. For though they may be had in original books of law themselves; yet that informeth not the judgment of kings and counsellors, and persons of estate, so well as to see them described, and entered in the table and portrait of the times.

About the same time the king had a loan from the city of four thousand pounds; which was double to that they lent before, and was duly and orderly paid back at the day, as the former likewise had been: the king ever choosing rather to borrow too soon, than to pay too late, and so keeping up his credit.

Neither had the king yet cast off his cares and hopes touching Britain, but thought to master the occasion by policy, though his arms had been unfortunate; and to bereave the French king of the fruit of his victory. The sum of his design was, to encourage Maximilian to go on with his suit, for the marriage of Anne, the heir of Britain, and to aid him to the consummation thereof. But the affairs of Maximilian were at that time in great trouble and combustion, by a rebellion of his subjects in Flanders; especially those of Bruges and Gaunt, whereof the town of Bruges, at such time as Maximilian was there in person, had suddenly armed in tumult, and slain some of his principal officers, and taken himself prisoner, and held him in durance, till they had enforced him and some of his counsellors, to take a solemn oath to pardon all their offences, and never to question and revenge the same in time to come. Nevertheless Frederick the emperor would not suffer this reproach and indignity offered to his son to pass, but made sharp wars upon Flanders, to reclaim and chastise the rebels. But the lord Ravenstein, a principal person about Maximilian, and one that had taken the oath of abolition with his master, pretending the religion thereof, but indeed upon private ambition, and, as it was thought, instigated and corrupted from France, forsook the emperor and Maximilian his lord, and made himself a head of the popular party, and seized upon the towns of Ipres and Sluice with both the castles: and forthwith sent to the lord Cordes, governor of Picardy under the French king, to desire aid; and to move him, that he, on the behalf of the French king, would be protector of the united towns, and by force of arms reduce the rest. The lord Cordes was ready to embrace the occasion, which was partly of his own setting, and sent forthwith greater forces than it had been possible for him to raise on the sudden, if he had not looked for such a summons before, in aid of the lord Ravenstein and the Flemings, with instructions to invest the towns between France and Bruges. The French forces besieged a little town called Dixmude, where part of the Flemish forces joined with them. While they lay at this siege, the king of England, upon pretence of the safety of the English pale about Calais, but in truth being loth that Maximilian should become contemptible, and thereby be shaken off by the states of Britain about this marriage, sent over the lord Morley with a thousand men, under the lord D'Aubigny, then deputy of Calais, with secret instructions to aid Maximilian, and to raise the siege of Dixmude. The lord D'Aubigny, giving it out that all was for the strengthening of the English marches, drew out of the garrisons of Calais, Hammes and Guines, to the number of a thousand men more. So that with the fresh succours that came under the conduct of the lord Morley, they made up to the number of two thousand or better. Which forces joining with some companies of Almains, put themselves into Dixmude, not perceived by the enemies; and passing through the town, with some reinforcement from the forces that were in the town, assailed the enemies' camp negligently guarded, as being out of fear; where there was a bloody fight, in which the English and their partakers obtained the victory, and slew to the number of eight thousand men, with the loss on the English part of a hundred or thereabouts; amongst whom was the lord Morley. They took also their great ordnance, with much rich spoils, which they carried to Newport; whence the lord D'Aubigny returned to Calais, leaving the hurt men and some other voluntaries in Newport. But the lord Cordes being at Ipres with a great power of men, thinking to recover the loss and disgrace of the fight at Dixmude, came presently on, and sat down before Newport, and besieged it; and after some days siege, he resolved to try the fortune of an assault. Which he did one day, and succeeded therein so far, that he had taken the principal tower and fort in that city, and planted upon it the French banner. Whence nevertheless they were presently beaten forth by the English, by the help of some fresh succours of archers arriving by good fortune, at the instant, in the haven of Newport. Whereupon the lord Cordes, discouraged, and measuring the new succours, which were small, by the success, which was great, levied his siege. By this means matters grew more exasperate between the two kings of England and France, for that, in the war of Flanders, the auxiliary forces of French and English were much blooded one against another. Which blood rankled the more, by the vain words of the lord Cordes, that declared himself an open enemy of the English, beyond that that appertained to the present service; making it a common by-word of his, "That he could be content to lie in hell seven years, so he might win Calais from the English."

The king having thus upheld the reputation of Maximilian, advised him now to press on his marriage with Britain to a conclusion. Which Maximilian accordingly did, and so far forth prevailed, both with the young lady and with the principal persons about her, as the marriage was consummated by proxy, with a ceremony at that time in these parts new. For she was not only publicly contracted, but stated, as a bride, and solemnly bedded; and after she was laid, there came in Maximilian's ambassador with letters of procuration, and in the presence of sundry noble personages, men and women, put his leg, stripped naked to the knee, between the espousal sheets; to the end, that that ceremony might be thought to amount to a consummation and actual knowledge. This done, Maximilian, whose property was to leave things then when they were almost come to perfection, and to end them by imagination; like ill archers, that draw not their arrows up to the head; and who might as easily have bedded the lady himself, as to have made a play and disguise of it, thinking now all assured, neglected for a time his farther proceeding, and intended his

[illegible] big word!

wars. Meanwhile the French king, consulting his divines, and finding that this pretended consummation was rather an invention of court, than any ways valid by the laws of the church, went more really to work, and by secret instruments and cunning agents, as well matrons about the young lady as counsellors, first sought to remove the point of religion and honour out of the mind of the lady herself, wherein there was a double labour. For Maximilian was not only contracted unto the lady, but Maximilian's daughter was likewise contracted to king Charles. So as the marriage halted upon both feet, and was not clear on either side. But for the contract with king Charles, the exception lay plain and fair; for that Maximilian's daughter was under years of consent, and so not bound by law, but a power of disagreement left to either part. But for the contract made by Maximilian with the lady herself, they were harder driven: having nothing to allege, but that it was done without the consent of her sovereign lord king Charles, whose ward and client she was, and he to her in place of a father: and therefore it was void and of no force for want of such consent. Which defect, they said, though it would not evacuate a marriage after cohabitation and actual consummation; yet it was enough to make void a contract. For as for the pretended consummation, they made sport with it, and said: "That it was an argument that Maximilian was a widower, and a cold wooer, that could content himself to be a bridegroom by deputy, and would not make a little journey to put all out of question." So that the young lady, wrought upon by these reasons, finely instilled by such as the French king, who spared for no rewards or promises, had made on his side; and allured likewise by the present glory and greatness of king Charles, being also a young king, and a bachelor, and loth to make her country the seat of a long and miserable war; secretly yielded to accept of king Charles. But during this secret treaty with the lady, the better to save it from blasts of opposition and interruption, king Charles resorting to his wonted arts, and thinking to carry the marriage as he had carried the wars, by entertaining the king of England in vain belief, sent a solemn ambassage by Francis lord of Luxemburg, Charles Marignian, and Robert Gagvien, general of the order of the *bons hommes* of the Trinity, to treat a peace and league with the king; accoupling it with an article in the nature of a request, that the French king might with the king's good will, according unto his right of seigniory and tutelage, dispose of the marriage of the young duchess of Britain, as he should think good; offering by a judicial proceeding to make void the marriage of Maximilian by proxy. Also all this while, the better to amuse the world, he did continue in his court and custody the daughter of Maximilian, who formerly had been sent unto him, to be bred and educated in France; not dismissing or renvoying her, but contrariwise professing and giving out strongly that he meant to proceed with that match. And that for the duchess of Britain, he desired only to preserve his right of seigniory, and to give her in marriage to some such ally as might depend upon him.

When the three commissioners came to the court of England, they delivered their ambassage unto the king, who remitted them to his council; where some days after they had audience, and made their proposition by the prior of the Trinity, who though he were third in place, yet was held the best speaker of them, to this effect.

"My lords, the king our master, the greatest and mightiest king that reigned in France since Charles the Great, whose name he beareth, hath nevertheless thought it no disparagement to his greatness at this time to propound a peace; yea, and to pray a peace with the king of England. For which purpose he hath sent us his commissioners, instructed and enabled with full and ample power to treat and conclude; giving us farther in charge, to open in some other business the secrets of his own intentions. These be indeed the precious love tokens between great kings, to communicate one with another the true state of their affairs, and to pass by nice points of honour, which ought not to give law unto affection. This I do assure your lordships; it is not possible for you to imagine the true and cordial love that the king our master beareth to your sovereign, except you were near him as we are. He useth his name with so great respect; he remembereth their first acquaintance at Paris with so great contentment; nay, he never speaks of him, but that presently he falls into discourse of the miseries of great kings, in that they cannot converse with their equals, but with servants. This affection to your king's person and virtues God hath put into the heart of our master, no doubt for the good of christendom, and for purposes yet unknown to us all. For other root it cannot have, since it was the same to the earl of Richmond, that it is now to the king of England. This is therefore the first motive that makes our king to desire peace and league with your sovereign: good affection, and somewhat that he finds in his own heart. This affection is also armed with reason of estate. For our king doth in all candour and frankness of dealing open himself unto you; that having an honourable, yea and an holy purpose, to make a voyage and war in remote parts, he considereth that it will be of no small effect, in point of reputation to his enterprise, if it be known abroad that he is in good peace with all his neighbour princes, and especially with the king of England, whom for good causes he esteemeth most.

"But now, my lords, give me leave to use a few words to remove all scruples and misunderstanding between your sovereign and ours, concerning some late actions; which if they be not cleared, may perhaps hinder this peace. To the end that for matters past neither king may conceive unkindness of other, nor think the other conceiveth unkindness of him. The late actions are two; that of Britain and that of Flanders. In both which it is true, that the subjects' swords of both kings have encountered and stricken, and the ways and inclinations also of

the two kings, in respect of their confederates and allies, have severed.

"For that of Britain, the king your sovereign knoweth best what hath passed. It was a war of necessity on our master's part. And though the motives of it were sharp and piquant as could be, yet did he make that war rather with an olive-branch, than a laurel-branch in his hand, more desiring peace than victory. Besides, from time to time he sent, as it were, blank papers to your king, to write the conditions of peace. For though both his honour and safety went upon it, yet he thought neither of them too precious to put into the king of England's hands. Neither doth our king on the other side make any unfriendly interpretation of your king's sending of succours to the duke of Britain; for the king knoweth well that many things must be done of kings for satisfaction of their people; and it is not hard to discern what is a king's own. But this matter of Britain is now, by the act of God, ended and passed; and, as the king hopeth, like the way of a ship in the sea, without leaving any impression in either of the kings' minds; as he is sure for his part it hath not done in his.

"For the action of Flanders; as the former of Britain was a war of necessity, so this was a war of justice; which with a good king is of equal necessity with danger of estate, for else he should leave to be a king. The subjects of Burgundy are subjects in chief to the crown of France, and their duke the homager and vassal of France. They had wont to be good subjects, howsoever Maximilian hath of late distempered them. They fled to the king for justice and deliverance from oppression. Justice he could not deny; purchase he did not seek. This was good for Maximilian, if he could have seen it in people mutinied, to arrest fury, and prevent despair. My lords, it may be this I have said is needless, save that the king our master is tender in any thing, that may but glance upon the friendship of England. The amity between the two kings, no doubt, stands entire and inviolate; and that their subjects' swords have clashed, it is nothing unto the public peace of the crowns; it being a thing very usual in auxiliary forces of the best and straitest confederates to meet and draw blood in the field. Nay many times there be aids of the same nation on both sides, and yet it is not, for all that, a kingdom divided in itself.

"It resteth, my lords, that I impart unto you a matter, that I know your lordships all will much rejoice to hear; as that which importeth the christian common weal more, than any action that hath happened of long time. The king our master hath a purpose and determination to make war upon the kingdom of Naples; being now in the possession of a bastard slip of Arragon, but appertaining unto his Majesty by clear and undoubted right; which if he should not by just arms seek to recover, he could neither acquit his honour nor answer it to his people. But his noble and christian thoughts rest not here: for his resolution and hope is, to make the reconquest of Naples but as a bridge to transport his forces into Grecia; and not to spare blood or treasure, if it were to the impawning of his crown, and dispeopling of France, till either he hath overthrown the empire of the Ottomans, or taken it in his way to paradise. The king knoweth well, that this is a design that could not arise in the mind of any king that did not stedfastly look up unto God, whose quarrel this is, and from whom cometh both the will and the deed. But yet is agreeable to the person that he beareth, though unworthy, of the thrice christian king and the eldest son of the church. Whereunto he is also invited by the example, in more ancient time, of king Henry the fourth of England, the first renowned king of the house of Lancaster; ancestor, though not progenitor to your king; who had a purpose towards the end of his time, as you know better, to make an expedition into the Holy Land; and by the example also, present before his eyes, of that honourable and religious war which the king of Spain now maketh, and hath almost brought to perfection, for the recovery of the realm of Granada from the Moors. And although this enterprise may seem vast and unmeasured, for the king to attempt that by his own forces, wherein heretofore a conjunction of most of the christian princes hath found work enough; yet his Majesty wisely considereth, that sometimes smaller forces being united under one command, are more effectual in proof, though not so promising in opinion and fame, than much greater forces, variously compounded by associations and leagues, which commonly in a short time after their beginnings turn to dissociations and divisions. But, my lords, that which is as a voice from heaven, that calleth the king to this enterprise, is a rent at this time in the house of the Ottomans. I do not say but there hath been brother against brother in that house before, but never any that had refuge to the arms of the christians, as now hath Gemes, brother unto Bajazet that reigneth, the far braver man of the two, the other being between a monk and a philosopher, and better read in the Alcoran and Averroes, than able to wield the sceptre of so warlike an empire. This therefore is the king our master's memorable and heroical resolution for an holy war. And because he carrieth in this the person of a christian soldier, as well as of a great temporal monarch, he beginneth with humility, and is content for this cause to beg peace at the hands of other christian kings. There remaineth only rather a civil request than any essential part of our negotiation, which the king maketh to the king your sovereign. The king, as all the world knoweth, is lord in chief of the duchy of Britain. The marriage of the heir belongeth to him as guardian. This is a private patrimonial right, and no business of estate; yet nevertheless, to run a fair course with your king, whom he desires to make another himself, and to be one and the same thing with him, his request is that with the king's favour and consent he may dispose of her in marriage, as he thinketh good, and make void the intruded and pretended marriage of Maximilian, according to justice. This, my lords, is all that I have to say, desiring your pardon for my weakness in the delivery."

Thus did the French ambassadors with great show of their king's affection, and many sugared words,

seek to addulce all matters between the two kings, having two things for their ends; the one to keep the king quiet till the marriage of Britain was past; and this was but a summer fruit, which they thought was almost ripe, and would be soon gathered. The other was more lasting; and that was to put him into such a temper, as he might be no disturbance or impediment to the voyage for Italy. The lords of the council were silent; and said only, "That they knew the ambassadors would look for no answer, till they had reported to the king;" and so they rose from council. The king could not well tell what to think of the marriage of Britain. He saw plainly the ambition of the French king was to impatronize himself of the duchy; but he wondered he would bring into his house a litigious marriage, especially considering who was his successor. But weighing one thing with another he gave Britain for lost; but resolved to make his profit of this business of Britain, as a quarrel for war; and that of Naples, as a wrench and mean for peace; being well advertised, how strongly the king was bent upon that action. Having therefore conferred divers times with his council, and keeping himself somewhat close, he gave a direction to the chancellor, for a formal answer to the ambassadors, and that he did in the presence of his council. And after calling the chancellor to him apart, bad him speak in such language, as was fit for a treaty that was to end in a breach; and gave him also a special caveat, that he should not use any words to discourage the voyage of Italy. Soon after the ambassadors were sent for to the council, and the lord chancellor spake to them in this sort:

"My lords ambassadors, I shall make answer, by the king's commandment, unto the eloquent declaration of you, my lord prior, in a brief and plain manner. The king forgetteth not his former love and acquaintance with the king your master: but of this there needeth no repetition. For if it be between them as it was, it is well; if there be any alteration, it is not words that will make it up.

"For the business of Britain, the king findeth it a little strange that the French king maketh mention of it as a matter of well deserving at his hand: for that deserving was no more but to make him his instrument to surprise one of his best confederates. And for the marriage, the king would not meddle with it, if your master would marry by the book, and not by the sword.

"For that of Flanders, if the subjects of Burgundy had appealed to your king as their chief lord, at first by way of supplication, it might have had a show of justice: but it was a new form of process, for subjects to imprison their prince first, and to slay his officers, and then to be complainants. The king saith, That sure he is, when the French king and himself sent to the subjects of Scotland, that had taken arms against their king, they both spake in another style, and did in princely manner signify their detestation of popular attentates upon the person or authority of princes. But, my lords ambassadors, the king leaveth these two actions thus: that on the one side he hath not received any manner of satisfaction from you concerning them; and on the other, that he doth not apprehend them so deeply, as in respect of them to refuse to treat of peace, if other things may go hand in hand. As for the war of Naples, and the design against the Turk: the king hath commanded me expressly to say, that he doth wish with all his heart to his good brother the French king, that his fortunes may succeed according to his hopes and honourable intentions. And whensoever he shall hear that he is prepared for Grecia, as your master is pleased now to say that he beggeth a peace of the king, so the king will then beg of him a part in that war.

"But now, my lords ambassadors, I am to propound unto you somewhat on the king's part: the king your master hath taught our king what to say and demand. You say, my lord prior, that your king is resolved to recover his right to Naples, wrongfully detained from him. And that if he should not thus do, he could not acquit his honour, nor answer it to his people. Think, my lords, that the king our master saith the same thing over again to you touching Normandy, Guienne, Anjou, yea, and the kingdom of France itself. I cannot express it better than in your own words. If therefore the French king shall consent, that the king our master's title to France, at least tribute for the same, be handled in the treaty, the king is content to go on with the rest, otherwise he refuseth to treat."

The ambassadors, being somewhat abashed with this demand, answered in some heat: That they doubted not, but the king their sovereign's sword would be able to maintain his sceptre: and they assured themselves, he neither could nor would yield to any diminution of the crown of France either in territory or regality: but, howsoever, they were too great matters for them to speak of, having no commission. It was replied, that the king looked for no other answer from them, but would forthwith send his own ambassadors to the French king. There was a question also asked at the table; whether the French king would agree to have the disposing of the marriage of Britain with an exception and exclusion, that he should not marry her himself? To which the ambassadors answered; That it was so far out of their king's thoughts, as they had received no instructions touching the same. Thus were the ambassadors dismissed, all save the prior; and were followed immediately by Thomas, earl of Ormond, and Thomas Goldenston, prior of Christ-Church in Canterbury, who were presently sent over into France. In the mean space, Lionel, bishop of Concordia, was sent as nuncio from pope Alexander the sixth to both kings, to move a peace between them. For pope Alexander, finding himself pent and locked up by a league and association of the principal states of Italy, that he could not make his way for the advancement of his own house which he immoderately thirsted after, was desirous to trouble the waters in Italy, that he might fish the better; casting the net, not out of St. Peter's, but out of Borgia's bark. And doubting lest the fears from England might stay the French king's voyage into Italy, despatched this bishop, to compose all matters

between the two kings, if he could: who first repaired to the French king, and finding him well inclined, as he conceived, took on his journey towards England, and found the English ambassadors at Calais, on their way towards the French king. After some conference with them, he was in honourable manner transported over into England, where he had audience of the king. But notwithstanding he had a good ominous name to have made a peace, nothing followed: for in the mean time the purpose of the French king to marry the duchess, could be no longer dissembled. Wherefore the English ambassadors, finding how things went, took their leave, and returned. And the prior also was warned from hence to depart out of England. Who when he turned his back, more like a pedant than an ambassador, dispersed a bitter libel, in Latin verse, against the king; unto which the king, though he had nothing of a pedant, yet was content to cause an answer to be made in like verse; and that as speaking in his own person, but in a style of scorn and sport. About this time also was born the king's second son Henry, who afterwards reigned. And soon after followed the solemnization of the marriage between Charles and Anne duchess of Britain, with whom he received the duchy of Britain as her dowry, the daughter of Maximilian being a little before sent home. Which when it came to the ears of Maximilian, who would never believe it till it was done, being ever the principal in deceiving himself, though in this the French king did very handsomely second it, in tumbling it over and over in his thoughts, that he should at one blow, with such a double scorn, be defeated, both of the marriage of his daughter and his own, upon both which he had fixed high imaginations, he lost all patience, and casting off the respects fit to be continued between great kings, even when their blood is hottest, and most risen, fell to bitter invectives against the person and actions of the French king. And, by how much he was the less able to do, talking so much the more, spake all the injuries he could devise of Charles, saying: That he was the most perfidious man upon the earth, and that he had made a marriage compounded between an advowtry and a rape; which was done, he said, by the just judgment of God; to the end that, the nullity thereof being so apparent to all the world, the race of so unworthy a person might not reign in France. And forthwith he sent ambassadors as well to the king of England, as to the king of Spain, to incite them to war, and to treat a league offensive against France, promising to concur with great forces of his own. Hereupon the king of England, going nevertheless his own way, called a parliament, it being the seventh year of his reign; and the first day of opening thereof, sitting under his cloth of estate, spake himself unto his lords and commons in this manner:

"My lords, and you the commons, when I purposed to make a war in Britain, by my lieutenant, I made declaration thereof to you by my chancellor. But now that I mean to make a war upon France in person, I will declare it to you myself. That war was to defend another man's right, but this is to recover our own; and that ended by accident, but we hope this shall end in victory.

"The French king troubles the christian world: that which he hath is not his own, and yet he seeketh more. He hath invested himself of Britain: he maintaineth the rebels in Flanders: and he threateneth Italy. For ourselves, he hath proceeded from dissimulation to neglect; and from neglect to contumely. He hath assailed our confederates: he denieth our tribute: in a word, he seeks war: so did not his father, but sought peace at our hands; and so perhaps will he, when good counsel or time shall make him see as much as his father did.

"Meanwhile, let us make his ambition our advantage; and let us not stand upon a few crowns of tribute or acknowledgment, but, by the favour of Almighty God, try our right for the crown of France itself; remembering that there hath been a French king prisoner in England, and a king of England crowned in France. Our confederates are not diminished. Burgundy is in a mightier hand than ever, and never more provoked. Britain cannot help us, but it may hurt them. New acquests are more burden than strength. The malecontents of his own kingdom have not been base, popular, nor tiblary impostors, but of a higher nature. The king of Spain, doubt ye not, will join with us, not knowing where the French king's ambition will stay. Our holy father the pope likes no Tramontanes in Italy. But howsoever it be, this matter of confederates is rather to be thought on than reckoned on. For God forbid but England should be able to get reason of France without a second.

"At the battles of Cressy, Poictiers, Agencourt, we were of ourselves. France hath much people, and few soldiers. They have no stable bands of foot. Some good horse they have; but those are forces which are least fit for a defensive war, where the actions are in the assailant's choice. It was our discords only that lost France; and, by the power of God, it is the good peace which we now enjoy, that will recover it. God hath hitherto blessed my sword. I have, in this time that I have reigned, weeded out my bad subjects, and tried my good. My people and I know one another, which breeds confidence: and if there should be any bad blood left in the kingdom, an honourable foreign war will vent it or purify it. In this great business let me have your advice and aid. If any of you were to make his son knight, you might have aid of your tenants by law. This concerns the knighthood and spurs of the kingdom, whereof I am father; and bound not only to seek to maintain it, but to advance it: but for matter of treasure let it not be taken from the poorest sort, but from those to whom the benefit of the war may redound. France is no wilderness; and I, that profess good husbandry, hope to make the war, after the beginnings, to pay itself. Go together in God's name, and lose no time; for I have called this parliament wholly for this cause."

Thus spake the king; but for all this, though he showed great forwardness for a war, not only to his parliament and court, but to his privy council likewise, except the two bishops and a few more,

yet nevertheless in his secret intentions he had no purpose to go through with any war upon France. But the truth was, that he did but traffic with that war, to make his return in money. He knew well that France was now entire and at unity with itself, and never so mighty many years before. He saw by the taste that he had of his forces sent into Britain, that the French knew well enough how to make war with the English, by not putting things to the hazard of a battle, but wearing them by long sieges of towns, and strong fortified encampings. James the third of Scotland, his true friend and confederate, gone; and James the fourth, that had succeeded, wholly at the devotion of France, and ill affected towards him. As for the conjunctions of Ferdinando of Spain and Maximilian, he could make no foundation upon them. For the one had power, and not will; and the other had will, and not power. Besides that, Ferdinando had but newly taken breath from the war with the Moors; and merchanded at this time with France for the restoring of the counties of Russignon and Perpignian, oppignorated to the French. Neither was he out of fear of the discontents and ill blood within the realm; which having used always to repress and appease in person, he was loth they should find him at a distance beyond sea, and engaged in war. Finding therefore the inconveniences and difficulties in the prosecution of a war, he cast with himself how to compass two things. The one, how by the declaration and inchoation of a war to make his profit. The other, how to come off from the war with the saving of his honour. For profit, it was to be made two ways; upon his subjects for the war, and upon his enemies for the peace; like a good merchant, that maketh his gain both upon the commodities exported, and imported back again. For the point of honour, wherein he might suffer for giving over the war; he considered well, that as he could not trust upon the aids of Ferdinando and Maximilian for supports of war; so the impuissance of the one, and the double proceeding of the other, lay fair for him for occasions to accept of peace. These things he did wisely foresee, and did as artificially conduct, whereby all things fell into his lap as he desired.

For as for the parliament, it presently took fire, being affectionate, of old, to the war of France; and desirous afresh to repair the dishonour they thought the king sustained by the loss of Britain. Therefore they advised the king, with great alacrity, to undertake the war of France. And although the parliament consisted of the first and second nobility, together with principal citizens and townsmen, yet worthily and justly respecting more the people, whose deputies they were, than their own private persons, and finding by the lord chancellor's speech the king's inclination that way; they consented that commissioners should go forth for the gathering and levying of a benevolence from the more able sort. This tax, called a benevolence, was levised by Edward the fourth, for which he sustained much envy. It was abolished by Richard the third by act of parliament, to ingratiate himself with the people; and it was now revived by the king, but with consent of parliament, for so it was not in the time of king Edward the fourth. But by this way he raised exceeding great sums. Insomuch as the city of London, in those days, contributed nine thousand pounds and better; and that chiefly levied upon the wealthier sort. There is a tradition of a *dilemma*, that bishop Morton the chancellor used, to raise up the benevolence to higher rates; and some called it his fork, and some his crotch. For he had couched an article in the instructions to the commissioners who were to levy the benevolence; "That if they met with any that were sparing, they should tell them, that they must needs have, because they laid up: and if they were spenders, they must needs have, because it was seen in their port and manner of living." So neither kind came amiss.

This parliament was merely a parliament of war; for it was in substance but a declaration of war against France and Scotland, with some statutes conducing thereunto: as the severe punishment of mort-pays, and keeping back of soldiers' wages in captains; the like severity for the departure of soldiers without licence; strengthening of the common law in favour of protections for those that were in the king's service; and the setting the gate open or wide for men to sell or mortgage their lands, without fines for alienation, to furnish themselves with money for the war; and lastly, the voiding of all Scottish men out of England. There was also a statute for the dispersing of the standard of the exchequer throughout England; thereby to size weights and measures; and two or three more of less importance.

After the parliament was broken up, which lasted not long, the king went on with his preparations for the war of France; yet neglected not in the mean time the affairs of Maximilian for the quieting of Flanders, and restoring him to his authority amongst his subjects. For at that time the lord of Ravenstein, being not only a subject rebelled, but a servant revolted, and so much the more malicious and violent, by the aid of Bruges and Gaunt, had taken the town and both the castles of Sluice; as we said before: and having, by the commodity of the haven, gotten together certain ships and barks, fell to a kind of piratical trade; robbing and spoiling, and taking prisoners the ships and vessels of all nations, that passed along that coast towards the mart of Antwerp, or into any part of Brabant, Zealand, or Friezeland; being ever well victualled from Picardy, besides the commodity of victuals from Sluice, and the country adjacent, and the avails of his own prizes. The French assisted him still underhand; and he likewise, as all men do that have been of both sides, thought himself not safe, except he depended upon a third person.

There was a small town some two miles from Bruges towards the sea, called Dam; which was a fort and approach to Bruges, and had a relation also to Sluice.

This town the king of the romans had attempted often, not for any worth of the town in itself, but because it might choke Bruges, and cut it off from

the sea, and ever failed. But therewith the duke of Saxony came down into Flanders, taking upon him the person of an umpire, to compose things between Maximilian and his subjects; but being, indeed, fast and assured to Maximilian. Upon this pretext of neutrality and treaty, he repaired to Bruges; desiring of the states of Bruges, to enter peaceably into their town, with a retinue of some number of men of arms fit for his estate; being somewhat the more, as he said, the better to guard him in a country that was up in arms: and bearing them in hand, that he was to communicate with them of divers matters of great importance for their good. Which having obtained of them, he sent his carriages and harbingers before him, to provide his lodging. So that his men of war entered the city in good array, but in peaceable manner, and he followed. They that went before inquired still for inns and lodgings, as if they would have rested there all night; and so went on till they came to the gate that leadeth directly towards Dam: and they of Bruges only gazed upon them, and gave them passage. The captains and inhabitants of Dam also suspected no harm from any that passed through Bruges; and discovering forces afar off, supposed they had been some succours that were come from their friends, knowing some dangers towards them. And so perceiving nothing but well till it was too late, suffered them to enter their town. By which kind of slight, rather than stratagem, the town of Dam was taken, and the town of Bruges shrewdly blocked up, whereby they took great discouragement.

The duke of Saxony, having won the town of Dam, sent immediately to the king to let him know, that it was Sluice chiefly, and the lord Ravenstein that kept the rebellion of Flanders in life: and that if it pleased the king to besiege it by sea, he also would besiege it by land, and so cut out the core of those wars.

The king, willing to uphold the authority of Maximilian, the better to hold France in awe, and being likewise sued unto by his merchants, for that the seas were much infested by the barks of the lord Ravenstein; sent straightways Sir Edward Poynings, a valiant man, and of good service, with twelve ships, well furnished with soldiers and artillery, to clear the seas, and to besiege Sluice on that part. The Englishmen did not only coop up the lord Ravenstein, that he stirred not, and likewise hold in strait siege the maritime part of the town, but also assailed one of the castles, and renewed the assault so for twenty days' space, issuing still out of their ships at the ebb, as they made great slaughter of them of the castle; who continually fought with them to repulse them, though of the English part also were slain a brother of the earl of Oxford's, and some fifty more.

But the siege still continuing more and more strait, and both the castles, which were the principal strength of the town, being distressed, the one by the duke of Saxony, and the other by the English; and a bridge of boats, which the lord of Ravenstein had made between both castles, whereby succours and relief might pass from the one to the other, being on a night set on fire by the English; he despairing to hold the town, yielded, at the last, the castles to the English, and the town to the duke of Saxony by composition. Which done, the duke of Saxony and Sir Edward Poynings treated with them of Bruges, to submit themselves to Maximilian their lord; which after some time they did, paying in some good part, the charge of the war, whereby the Almains and foreign succours were dismissed. The example of Bruges other of the revolted towns followed; so that Maximilian grew to be out of danger, but, as his manner was to handle matters, never out of necessity. And Sir Edward Poynings, after he had continued at Sluice some good while till all things were settled, returned unto the king, being then before Boloign.

Somewhat about this time came letters from Ferdinando and Isabella, king and queen of Spain, signifying the final conquest of Granada from the Moors; which action, in itself so worthy, king Ferdinando, whose manner was never to lose any virtue for the showing, had expressed and displayed in his letters at large, with all the particularities and religious punctos and ceremonies, that were observed in the reception of that city and kingdom: showing amongst other things, that the king would not by any means in person enter the city, until he had at first aloof seen the cross set up upon the greater tower of Granada, whereby it became christian ground. That likewise, before he would enter, he did homage to God above, pronouncing by a herald from the height of that tower, that he did acknowledge to have recovered that kingdom by the help of God Almighty, and the glorious Virgin, and the virtuous apostle Saint James, and the holy father Innocent the eighth, together with the aids and services of his prelates, nobles, and commons. That yet he stirred not from his camp, till he had seen a little army of martyrs, to the number of seven hundred and more christians, that had lived in bonds and servitude, as slaves to the Moors, pass before his eyes, singing a psalm for their redemption; and that he had given tribute unto God, by alms and relief extended to them all, for his admission into the city. These things were in the letters with many more ceremonies of a kind of holy ostentation.

The king, ever willing to put himself into the consort or quire of all religious actions, and naturally affecting much the king of Spain, as far as one king can affect another, partly for his virtues, and partly for a counterpoise to France; upon the receipt of these letters sent all his nobles and prelates that were about the court, together with the mayor and aldermen of London, in great solemnity to the church of Paul; there to hear a declaration from the lord chancellor, now cardinal. When they were assembled, the cardinal, standing upon the uppermost step, or half-pace, before the quire, and all the nobles, prelates, and governors of the city at the foot of the stairs, made a speech to them; letting them know, that they were assembled in that consecrated place, to sing unto God a new song. For that, said he, these many years the christians have not gained new ground or territory upon the infidels, nor en-

larged and set farther the bounds of the christian world. But this is now done by the prowess and devotion of Ferdinando and Isabella, kings of Spain; who have, to their immortal honour, recovered the great and rich kingdom of Granada, and the populous and mighty city of the same name, from the Moors, having been in possession thereof by the space of seven hundred years and more: for which this assembly and all christians are to render laud and thanks unto God, and to celebrate this noble act of the king of Spain; who in this is not only victorious but apostolical, in the gaining of new provinces to the christian faith. And the rather, for that this victory and conquest is obtained without much effusion of blood. Whereby it is to be hoped, that there shall be gained not only new territory, but infinite souls to the church of Christ, whom the Almighty, as it seems, would have live to be converted. Herewithal he did relate some of the most memorable particulars of the war and victory. And after his speech ended, the whole assembly went solemnly in procession, and *Te Deum* was sung.

Immediately after the solemnity, the king kept his May-day at his palace of Shene, now Richmond. Where, to warm the blood of his nobility and gallants against the war, he kept great triumphs of justing and tourney, during all that month. In which space it so fell out, that Sir James Parker, and Hugh Vaughan, one of the king's gentlemen ushers, having had a controversy touching certain arms that the king at arms had given Vaughan, were appointed to run some courses one against another. And by accident of a faulty helmet that Parker had on, he was stricken into the mouth at the first course, so that his tongue was borne unto the hinder part of his head, in such sort that he died presently upon the place. Which, because of the controversy precedent, and the death that followed, was accounted amongst the vulgar as a combat or trial of right. The king towards the end of this summer, having put his forces, wherewith he meant to invade France, in readiness, but so as they were not yet met or mustered together, sent Urswick, now made his almoner, and Sir John Risley, to Maximilian, to let him know that he was in arms, ready to pass the seas into France, and did but expect to hear from him, when and where he did appoint to join with him, according to his promise made unto him by Countebalt his ambassador.

The English ambassadors having repaired to Maximilian, did find his power and promise at a very great distance; he being utterly unprovided of men, money, and arms, for any such enterprise. For Maximilian, having neither wing to fly on, for that his patrimony of Austria was not in his hands, his father being then living, and on the other side, his matrimonial territories of Flanders being partly in dowry to his mother-in-law, and partly not serviceable, in respect of the late rebellions; was thereby destitute of means to enter into war. The ambassadors saw this well, but wisely thought fit to advertise the king thereof, rather than to return themselves, till the king's farther pleasure were known: the rather, for that Maximilian himself spake as great as ever he did before, and entertained them with dilatory answers: so as the formal part of their ambassage might well warrant and require their farther stay. The king hereupon, who doubted as much before, and saw through his business from the beginning, wrote back to the ambassadors, commending their discretion in not returning, and willing them to keep the state wherein they found Maximilian as a secret, till they heard farther from him: and meanwhile went on with his voyage royal for France, suppressing for a time this advertisement touching Maximilian's poverty and disability.

By this time was drawn together a great and puissant army into the city of London; in which were Thomas marquis Dorset, Thomas earl of Arundel, Thomas earl of Derby, George earl of Shrewsbury, Edmond earl of Suffolk, Edward earl of Devonshire, George earl of Kent, the earl of Essex, Thomas earl of Ormond, with a great number of barons, knights, and principal gentlemen; and amongst them Richard Thomas, much noted for the brave troops that he brought out of Wales. The army rising in the whole to the number of five and twenty thousand foot, and sixteen hundred horse: over which the king, constant in his accustomed trust and employment, made Jasper duke of Bedford, and John earl of Oxford, generals under his own person. The ninth of September, in the eighth year of his reign, he departed from Greenwich towards the sea; all men wondering that he took that season, being so near winter, to begin the war; and some thereupon gathering, it was a sign that the war would not be long. Nevertheless the king gave out the contrary, thus: "That he intending not to make a summer business of it, but a resolute war, without term prefixed, until he had recovered France, it skilled not much when he began it, especially having Calais at his back, where he might winter, if the season of the war so required." The sixth of October he embarked at Sandwich; and the same day took land at Calais, which was the rendezvous, where all his forces were assigned to meet. But in this his journey towards the sea-side, wherein, for the cause that we shall now speak of, he hovered so much the longer, he had received letters from the lord Cordes, who the hotter he was against the English in time of war, had the more credit in a negotiation of peace; and besides was held a man open and of good faith. In which letters there was made an overture of peace from the French king, with such conditions as were somewhat to the king's taste; but this was carried at the first with wonderful secrecy. The king was no sooner come to Calais, but the calm winds of peace began to blow. For first, the English ambassadors returned out of Flanders from Maximilian, and certified the king, that he was not to hope for any aid from Maximilian, for that he was altogether unprovided. His will was good, but he lacked money. And this was made known and spread through the army. And although the English were therewithal nothing dismayed, and that it be the manner of soldiers upon bad news to speak the more bravely; yet nevertheless it was a

kind of preparative to a peace. Instantly in the neck of this, as the king had laid it, came news that Ferdinando and Isabella, kings of Spain, had concluded a peace with king Charles; and that Charles had restored unto them the counties of Russignon and Perpignian, which formerly were mortgaged by John, king of Arragon, Ferdinando's father, unto France for three hundred thousand crowns: which debt was also upon this peace by Charles clearly released. This came also handsomely to put on the peace; both because so potent a confederate was fallen off, and because it was a fair example of a peace bought; so as the king should not be the sole merchant in this peace. Upon these airs of peace, the king was content that the bishop of Exeter, and the lord d'Aubigny, governor of Calais, should give a meeting unto the lord Cordes, for the treaty of a peace. But himself nevertheless and his army, the fifteenth of October, removed from Calais, and in four days' march sat him down before Boloign.

During this siege of Boloign, which continued near a month, there passed no memorable action, nor accident of war; only Sir John Savage, a valiant captain, was slain, riding about the walls of the town, to take a view. The town was both well fortified and well manned; yet it was distressed, and ready for an assault. Which, if it had been given, as was thought, would have cost much blood; but yet the town would have been carried in the end. Meanwhile a peace was concluded by the commissioners, to continue for both the kings' lives. Where there was no article of importance; being in effect rather a bargain than a treaty. For all things remained as they were, save that there should be paid to the king seven hundred forty-five thousand ducats in present, for his charges in that journey; and five and twenty thousand crowns yearly, for his charges sustained in the aid of the Britons. For which annual, though he had Maximilian bound before for those charges, yet he counted the alteration of the hand as much as the principal debt. And besides, it was left somewhat indefinitely when it should determine or expire; which made the English esteem it as a tribute carried under fair terms. And the truth is, it was paid both to the king and to his son king Henry the eighth, longer than it could continue upon any computation of charges. There was also assigned by the French king, unto all the king's principal counsellors, great pensions, besides rich gifts for the present. Which whether the king did permit, to save his own purse from rewards, or to communicate the envy of a business, that was displeasing to his people, was diversely interpreted. For certainly the king had no great fancy to own this peace. And therefore a little before it was concluded, he had underhand procured some of his best captains and men of war to advise him to a peace, under their hands, in an earnest manner, in the nature of a supplication. But the truth is, this peace was welcome to both kings. To Charles, for that it assured unto him the possession of Britain, and freed the enterprise of Naples. To Henry, for that it filled his coffers; and that he foresaw at that time a storm of inward troubles coming upon him, which presently after brake forth. But it gave no less discontent to the nobility and principal persons of the army, who had many of them sold or engaged their estates upon the hopes of the war. They stuck not to say, "That the king cared not to plume his nobility and people, to feather himself." And some made themselves merry with that the king had said in parliament; "That after the war was once begun, he doubted not but to make it pay itself;" saying, he had kept promise.

Having risen from Boloign, he went to Calais, where he stayed some time. From whence also he wrote letters, which was a courtesy that he sometimes used, to the mayor of London, and the aldermen his brethren; half bragging what great sums he had obtained for the peace; knowing well that full coffers of the king is ever good news to London. And better news it would have been, if their benevolence had been but a loan. And upon the seventeenth of December following he returned to Westminster, where he kept his Christmas.

Soon after the king's return, he sent the order of the garter to Alphonso duke of Calabria, eldest son to Ferdinando king of Naples. An honour sought by that prince to hold him up in the eyes of the Italians; who expecting the arms of Charles, made great account of the amity of England for a bridle to France. It was received by Alphonso with all the ceremony and pomp that could be devised, as things use to be carried that are intended for opinion. It was sent by Urswick; upon whom the king bestowed this ambassage to help him after many dry employments.

At this time the king began again to be haunted with spirits, by the magic and curious arts of the lady Margaret; who raised up the ghost of Richard duke of York, second son to king Edward the fourth, to walk and vex the king. This was a finer counterfeit stone than Lambert Simnel; better done, and worn upon greater hands; being graced after with the wearing of a king of France, and a king of Scotland, not of a duchess of Burgundy only. And for Simnel, there was not much in him, more than that he was a handsome boy, and did not shame his robes. But this youth, of whom we are now to speak, was such a mercurial, as the like hath seldom been known; and could make his own part, if at any time he chanced to be out. Wherefore this being one of the strangest examples of a personation that ever was in elder or later times; it deserveth to be discovered, and related at the full. Although the king's manner of showing things by pieces, and by dark lights, hath so muffled it, that it hath left it almost as a mystery to this day.

The lady Margaret, whom the king's friends called Juno, because she was to him as Juno was to Æneas, stirring both heaven and hell to do him mischief, for a foundation of her particular practices against him, did continually, by all means possible, nourish, maintain, and divulge the flying opinion, that Richard duke of York, second son to Edward the fourth, was not murdered in the Tower, as was given out, but saved alive. For that those who were employed in that barbarous fact, having destroyed

the elder brother, were stricken with remorse and compassion towards the younger, and set him privily at liberty to seek his fortune. This lure she cast abroad, thinking that this fame and belief together with the fresh example of Lambert Simnel, would draw at one time or other some birds to strike upon it. She used likewise a farther diligence, not committing all to chance; for she had some secret espials, like to the Turks' commissioners for children of tribute, to look abroad for handsome and graceful youths, to make Plantagenets, and dukes of York. At the last she did light on one, in whom all things met, as one would wish, to serve her turn for a counterfeit of Richard duke of York.

This was Perkin Warbeck, whose adventures we shall now describe. For first, the years agreed well. Secondly, he was a youth of fine favour and shape. But more than that, he had such a crafty and bewitching fashion, both to move pity, and to induce belief, as was like a kind of fascination and enchantment to those that saw him or heard him. Thirdly, he had been from his childhood such a wanderer, or, as the king called him, such a landloper, as it was extreme hard to hunt out his nest and parents. Neither again could any man, by company or conversing with him, be able to say or detect well what he was, he did so flit from place to place. Lastly, there was a circumstance, which is mentioned by one that wrote in the same time, that is very likely to have made somewhat to the matter: which is, that king Edward the fourth was his godfather. Which as it is somewhat suspicious for a wanton prince to become gossip in so mean a house, and might make a man think, that he might indeed have in him some base blood of the house of York; so at the least, though that were not, it might give the occasion to the boy, in being called king Edward's godson, or perhaps in sport king Edward's son, to entertain such thoughts into his head. For tutor he had none, for ought that appears, as Lambert Simnel had, until he came unto the lady Margaret who instructed him.

Thus therefore it came to pass: There was a townsman of Tournay, that had borne office in that town, whose name was John Osbeck, a convert jew, married to Catherine de Faro, whose business drew him to live for a time with his wife at London in king Edward the fourth's days. During which time he had a son by her, and being known in court, the king, either out of religious nobleness, because he was a convert, or upon some private acquaintance, did him the honour to be godfather to his child, and named him Peter. But afterwards, proving a dainty and effeminate youth, he was commonly called by the diminutive of his name, Peterkin, or Perkin. For as for the name of Warbeck, it was given him when they did but guess at it, before examinations had been taken. But yet he had been so much talked on by that name, as it stuck by him after his true name of Osbeck was known. While he was a young child, his parents returned with him to Tournay. Then was he placed in a house of a kinsman of his, called John Stenbeck, at Antwerp, and so roved up and down between Antwerp and Tournay, and other towns of Flanders, for a good time; living much in English company, and having the English tongue perfect. In which time, being grown a comely youth, he was brought by some of the espials of the lady Margaret into her presence. Who viewing him well, and seeing that he had a face and personage that would bear a noble fortune; and finding him otherwise of a fine spirit and winning behaviour; thought she had now found a curious piece of marble to carve out an image of the duke of York. She kept him by her a great while, but with extreme secrecy. The while she instructed him by many cabinet conferences. First, in princely behaviour and gesture; teaching him how he should keep state, and yet with a modest sense of his misfortunes. Then she informed him of all the circumstances and particulars that concerned the person of Richard duke of York, which he was to act; describing unto him the personages, lineaments, and features of the king and queen his pretended parents; and of his brother, and sisters, and divers others, that were nearest him in his childhood; together with all passages, some secret, some common, that were fit for a child's memory, until the death of king Edward. Then she added the particulars of the time from the king's death, until he and his brother were committed to the Tower, as well during the time he was abroad, as while he was in sanctuary. As for the times while he was in the Tower, and the manner of his brother's death, and his own escape; she knew they were things that a very few could control. And therefore she taught him only to tell a smooth and likely tale of those matters; warning him not to vary from it. It was agreed likewise between them, what account he should give of his peregrination abroad, intermixing many things which were true, and such as they knew others could testify, for the credit of the rest; but still making them to hang together with the part he was to play. She taught him likewise how to avoid sundry captious and tempting questions, which were like to be asked of him. But in this she found him of himself so nimble and shifting, as she trusted much to his own wit and readiness; and therefore laboured the less in it. Lastly, she raised his thoughts with some present rewards, and farther promises; setting before him chiefly the glory and fortune of a crown if things went well, and a sure refuge to her court, if the worst should fall. After such time as she thought he was perfect in his lesson, she began to cast with herself from what coast this blazing star should first appear, and at what time it must be upon the horizon of Ireland; for there had the like meteor strong influence before. The time of the apparition to be, when the king should be engaged into a war with France. But well she knew, that whatsoever should come from her, would be held suspected. And therefore, if he should go out of Flanders immediately into Ireland, she might be thought to have some hand in it. And besides, the time was not yet ripe; for that the two kings were then upon terms of peace. Therefore she wheeled about; and to put all suspicion afar off, and

loth to keep him any longer by her, for that she knew secrets are not long-lived, she sent him unknown into Portugal with the lady Brampton, an English lady, that embarked for Portugal at that time; with some *privado* of her own, to have an eye upon him; and there he was to remain, and to expect her farther directions. In the mean time she omitted not to prepare things for his better welcome and accepting, not only in the kingdom of Ireland, but in the court of France. He continued in Portugal about a year; and by that time the king of England called his parliament, as hath been said, and declared open war against France. Now did the sign reign, and the constellation was come, under which Perkin should appear. And therefore he was straight sent unto by the duchess to go for Ireland, according to the first designment. In Ireland he did arrive at the town of Cork. When he was thither come, his own tale was, when he made his confession afterwards, that the Irishmen, finding him in some good clothes, came flocking about him, and bare him down that he was the duke of Clarence that had been there before. And after that he was Richard the third's base son. And lastly, that he was Richard duke of York, second son of Edward the fourth. But that he, for his part, renounced all these things, and offered to swear upon the holy evangelists, that he was no such man; till at last they forced it upon him, and bad him fear nothing, and so forth. But the truth is, that immediately upon his coming into Ireland, he took upon him the said person of the duke of York, and drew unto him complices and partakers by all the means he could devise. Insomuch as he wrote his letters unto the earls of Desmond and Kildare, to come in to his aid, and be of his party; the originals of which letters are yet extant.

Somewhat before this time, the duchess had also gained unto her a near servant of king Henry's own, one Stephen Frion, his secretary for the French tongue; an active man, but turbulent and discontented. This Frion had fled over to Charles, the French king, and put himself into his service, at such time as he began to be in open enmity with the king. Now king Charles, when he understood of the person and attempts of Perkin, ready of himself to embrace all advantages against the king of England, instigated by Frion, and formerly prepared by the lady Margaret, forthwith despatched one Lucas and this Frion, in the nature of ambassadors to Perkin, to advertise him of the king's good inclination to him, and that he was resolved to aid him to recover his right against king Henry, an usurper of England, and an enemy of France; and wished him to come over unto him at Paris. Perkin thought himself in heaven now that he was invited by so great a king in so honourable a manner. And imparting unto his friends in Ireland for their encouragement, how fortune called him, and what great hopes he had, sailed presently into France. When he was come to the court of France, the king received him with great honour; saluted, and styled him by the name of the duke of York; lodged him, ommodated him in great state. And the better to give him the representation and the countenance of a prince, assigned him a guard for his person, whereof the lord Congresall was captain. The courtiers likewise, though it be ill mocking with the French, applied themselves to their king's bent, seeing there was reason of state for it. At the same time there repaired unto Perkin divers Englishmen of quality; Sir George Neville, Sir John Taylor, and about one hundred more; and amongst the rest, this Stephen Frion, of whom we spake, who followed his fortune both then and for a long time after, and was indeed his principal counsellor and instrument in all his proceedings. But all this on the French king's part was but a trick, the better to bow king Henry to peace. And therefore upon the first grain of incense, that was sacrificed upon the altar of peace at Boloign, Perkin was smoked away. Yet would not the French king deliver him up to king Henry, as he was aboured to do, for his honour's sake, but warned him away and dismissed him. And Perkin on his part was as ready to be gone, doubting he might be caught up under-hand. He therefore took his way into Flanders, unto the duchess of Burgundy; pretending that having been variously tossed by fortune, he directed his course thither as to a safe harbour: no ways taking knowledge that he had ever been there before, but as if that had been his first address. The duchess, on the other part, made it as new and strange to see him; pretending, at the first, that she was taught and made wise by the example of Lambert Simnel, how she did admit of any counterfeit stuff; though even in that, she said, she was not fully satisfied. She pretended at the first, and that was ever in the presence of others, to pose him and sift him, thereby to try whether he were indeed the very duke of York or no. But seeming to receive full satisfaction by his answers, she then feigned herself to be transported with a kind of astonishment, mixt of joy and wonder, at his miraculous deliverance; receiving him as if he were risen from death to life: and inferring, that God, who had in such wonderful manner preserved him from death, did likewise reserve him for some great and prosperous fortune. As for his dismission out of France, they interpreted it, not as if he were detected or neglected for a counterfeit deceiver; but contrariwise, that it did show manifestly unto the world, that he was some great matter; for that it was his abandoning that, in effect, made the peace; being no more but the sacrificing of a poor distressed prince unto the utility and ambition of two mighty monarchs. Neither was Perkin, for his part, wanting to himself, either in gracious or princely behaviour, or in ready and apposite answers, or in contenting and caressing those that did apply themselves unto him, or in pretty scorn and disdain to those that seemed to doubt of him; but in all things did notably acquit himself; insomuch as it was generally believed, as well amongst great persons, as amongst the vulgar, that he was indeed duke Richard. Nay, himself, with long and continued counterfeiting, and with oft telling a lie, was turned by habit almost into the thing he seemed to be; and from a liar to a believer.

The duchess therefore, as in a case out of doubt, did him all princely honour, calling him always by the name of her nephew, and giving him the delicate title of the white rose of England: and appointed him a guard of thirty persons, halberdiers, clad in a party-coloured livery of murrey and blue, to attend his person. Her court likewise, and generally the Dutch and strangers, in their usage towards him, expressed no less respect.

The news hereof came blazing and thundering over into England, that the duke of York was sure alive. As for the name of Perkin Warbeck, it was not at that time come to light, but all the news ran upon the duke of York; that he had been entertained in Ireland, bought and sold in France, and was now plainly avowed, and in great honour in Flanders. These fames took hold of divers; in some upon discontent; in some upon ambition; in some upon levity and desire of change; in some few upon conscience and belief; but in most upon simplicity; and in divers out of dependence upon some of the better sort, who did in secret favour and nourish these bruits. And it was not long ere these rumours of novelty had begotten others of scandal and murmur against the king and his government, taxing him for a great taxer of his people, and discountenancer of his nobility. The loss of Britain, and the peace with France, were not forgotten. But chiefly they fell upon the wrong that he did his queen, in that he did not reign in her right. Wherefore they said that God had now brought to light a masculine branch of the house of York, that would not be at his courtesy, howsoever he did depress his poor lady. And yet, as it fareth in the things which are current with the multitude, and which they affect, these fames grew so general, as the authors were lost in the generality of speakers. They being like running weeds that have no certain root; or like footings up and down, impossible to be traced; but after a while these ill humours drew to a head, and settled secretly in some eminent persons; which were, Sir William Stanley, lord chamberlain of the king's household, the lord Fitzwalter, Sir Simon Mountfort, and Sir Thomas Thwaites. These entered into a secret conspiracy to favour duke Richard's title. Nevertheless none engaged their fortunes in this business openly, but two, Sir Robert Clifford, and master William Barley; who sailed over into Flanders, sent indeed from the party of the conspirators here, to understand the truth of those things that passed there, and not without some help of moneys from hence; provisionally to be delivered, if they found and were satisfied, that there was truth in these pretences. The person of Sir Robert Clifford, being a gentleman of fame and family, was extremely welcome to the lady Margaret. Who after she had conference with him, brought him to the sight of Perkin, with whom he had often speech and discourse. So that in the end, won either by the duchess to affect, or by Perkin to believe, he wrote back into England, that he knew the person of Richard duke of York, as well as he knew his own, and that this young man was undoubtedly he. By this means all things grew prepared to revolt and sedition here, and the conspiracy came to have a correspondence between Flanders and England.

The king on his part was not asleep; but to arm or levy forces yet, he thought would but show fear, and do this idol too much worship. Nevertheless the ports he did shut up, or at least kept a watch on them, that none should pass to or fro that was suspected: but for the rest, he chose to work by countermine. His purposes were two; the one, to lay open the abuse; the other, to break the knot of the conspirators. To detect the abuse, there were but two ways; the first, to make it manifest to the world that the duke of York was indeed murdered; the other, to prove that were he dead or alive, yet Perkin was a counterfeit. For the first, thus it stood. There were but four persons that could speak upon knowledge to the murder of the duke of York; Sir James Tirrel, the employed man from king Richard, John Dighton and Miles Forrest his servants, the two butchers or tormentors, and the priest of the Tower that buried them. Of which four Miles Forrest and the priest were dead, and there remained alive only Sir James Tirrel and John Dighton. These two the king caused to be committed to the Tower, and examined touching the manner of the death of the two innocent princes. They agreed both in a tale, as the king gave out, to this effect: That king Richard having directed his warrant for the putting of them to death to Brackenbury the lieutenant of the Tower, was by him refused. Whereupon the king directed his warrant to Sir James Tirrel, to receive the keys of the Tower from the lieutenant, for the space of a night, for the king's special service. That Sir James Tirrel accordingly repaired to the Tower by night, attended by his two servants aforenamed, whom he had chosen for that purpose. That himself stood at the stair-foot, and sent these two villains to execute the murder. That they smothered them in their bed; and, that done, called up their master to see their naked dead bodies, which they had laid forth. That they were buried under the stairs, and some stones cast upon them. That when the report was made to king Richard, that his will was done, he gave Sir James Tirrel great thanks, but took exception to the place of their burial, being too base for them that were king's children. Whereupon, another night, by the king's warrant renewed, their bodies were removed by the priest of the Tower, and buried by him in some place, which, by means of the priest's death soon after, could not be known. Thus much was then delivered abroad, to be the effect of those examinations; but the king, nevertheless, made no use of them in any of his declarations; whereby, as it seems, those examinations left the business somewhat perplexed. And as for Sir James Tirrel, he was soon after beheaded in the Tower-yard for other matters of treason. But John Dighton, who, it seemeth, spake best for the king, was forthwith set at liberty, and was the principal means of divulging this tradition. Therefore this kind of proof being left so naked, the king used the more diligence in

the latter, for the tracing of Perkin. To this purpose he sent abroad into several parts, and especially into Flanders, divers secret and nimble scouts and spies, some feigning themselves to fly over unto Perkin, and to adhere unto him; and some under other pretences, to learn, search, and discover all the circumstances and particulars of Perkin's parents, birth, person, travels up and down; and in brief, to have a journal, as it were, of his life and doings. He furnished these his employed men liberally with money to draw on and reward intelligences; giving them also in charge, to advertise continually what they found, and nevertheless still to go on. And ever as one advertisement and discovery called up another, he employed other new men, where the business did require it. Others he employed in a more special nature and trust, to be his pioneers in the main countermine. These were directed to insinuate themselves into the familiarity and confidence of the principal persons of the party in Flanders, and so to learn what associates they had, and correspondents, either here in England, or abroad; and how far every one engaged, and what new ones they meant afterwards to try or board. And as this for the persons, so for the actions themselves, to discover to the bottom, as they could, the utmost of Perkin's and the conspirators, their intentions, hopes, and practices. These latter best-be-trust spies had some of them farther instructions, to practise and draw off the best friends and servants of Perkin, by making remonstrance to them, how weakly his enterprise and hopes were built, and with how prudent and potent a king they had to deal; and to reconcile them to the king, with promise of pardon and good conditions of reward. And, above the rest, to assail, sap, and work into the constancy of Sir Robert Clifford; and to win him, if they could, being the man that knew most of their secrets, and who, being won away, would most appal and discourage the rest, and in a manner break the knot.

There is a strange tradition, that the king, being lost in a wood of suspicions, and not knowing whom to trust, had both intelligence with the confessors and chaplains of divers great men; and for the better credit of his espials abroad with the contrary side, did use to have them cursed at Paul's, by name, amongst the bead-roll of the king's enemies, according to the custom of those times. These espials plied their charge so roundly, as the king had an anatomy of Perkin alive; and was likewise well informed of the particular correspondent conspirators in England, and many other mysteries were revealed; and Sir Robert Clifford in especial won to be assured to the king, and industrious and officious for his service. The king therefore receiving a rich return of his diligence, and great satisfaction touching a number of particulars, first divulged and spread abroad the imposture and juggling of Perkin's person and travels, with the circumstances thereof, throughout the realm; not by proclamation, because things were yet in examination, and so might receive the more or the less, but by court-fames, which commonly print better than printed proclamations. Then thought he it also time to send an ambassage unto arch-duke Philip into Flanders, for the abandoning and dismissing of Perkin. Herein he employed Sir Edward Poynings, and Sir William Warham doctor of the canon law. The archduke was then young, and governed by his council; before whom the ambassadors had audience: and Dr. Warham spake in this manner:

"My lords, the king our master is very sorry, that England and your country here of Flanders, having been counted as man and wife for so long time; now this country of all others should be the stage, where a base counterfeit should play the part of a king of England: not only to his Grace's disquiet and dishonour, but to the scorn and reproach of all sovereign princes. To counterfeit the dead image of a king in his coin is a high offence by all laws, but to counterfeit the living image of a king in his person, exceedeth all falsifications except it should be that of a Mahomet, or an antichrist, that counterfeit divine honour. The king hath too great an opinion of this sage council, to think that any of you is caught with this fable, though way may be given by you to the passion of some, the thing in itself is so improbable. To set testimonies aside of the death of duke Richard, which the king hath upon record, plain and infallible, because they may be thought to be in the king's own power, let the thing testify for itself. Sense and reason no power can command. Is it possible, trow you, that king Richard should damn his soul, and foul his name with so abominable a murder, and yet not mend his case? Or do you think, that men of blood, that were his instruments, did turn to pity in the midst of their execution? Whereas in cruel and savage beasts, and men also, the first draught of blood doth yet make them more fierce and enraged. Do you not know, that the bloody executioners of tyrants do go to such errands with a halter about their neck; so that if they perform not, they are sure to die for it? And do you think that these men would hazard their own lives, for sparing another's? Admit they should have saved him; what should they have done with him? Turn him into London streets, that the watchmen, or any passenger that should light upon him, might carry him before a justice, and so all come to light? Or should they have kept him by them secretly? That surely would have required a great deal of care, charge, and continual fears. But, my lords, I labour too much in a clear business. The king is so wise, and hath so good friends abroad, as now he knoweth duke Perkin from his cradle. And because he is a great prince, if you have any good poet here, he can help him with notes to write his life; and to parallel him with Lambert Simnel, now the king's falconer. And therefore, to speak plainly to your lordships, it is the strangest thing in the world, that the lady Margaret, excuse us if we name her, whose malice to the king is both causeless and endless, should now when she is old, at the time when other women give over child-bearing, bring forth two such monsters; being not the births of nine or ten months, but of many years. And whereas other natural

mothers bring forth children weak, and not able to help themselves; she bringeth forth tall striplings, able soon after their coming into the world to bid battle to mighty kings. My lords, we stay unwillingly upon this part. We would to God, that lady would once taste the joys which God Almighty doth serve up unto her in beholding her niece to reign in such honour, and with so much royal issue, which she might be pleased to account as her own. The king's request unto the archduke, and your lordships, might be; that according to the example of king Charles, who hath already discarded him, you would banish this unworthy fellow out of your dominions. But because the king may justly expect more from an ancient confederate, than from a new reconciled enemy, he maketh his request unto you to deliver him up into his hands: pirates, and impostors of this sort, being fit to be accounted the common enemies of mankind, and no ways to be protected by the law of nations."

After some time of deliberation, the ambassadors received this short answer:

"That the archduke, for the love of king Henry, would in no sort aid or assist the pretended duke, but in all things conserve the amity he had with the king: but for the duchess dowager, she was absolute in the lands of her dowry, and that he could not let her to dispose of her own."

The king, upon the return of the ambassadors, was nothing satisfied with this answer. For well he knew, that a patrimonial dowry carried no part of sovereignty or command of forces. Besides, the ambassadors told him plainly, that they saw the duchess had a great party in the archduke's council; and that howsoever it was carried in a course of connivance, yet the archduke underhand gave aid and fartherance to Perkin. Wherefore, partly out of courage, and partly out of policy, the king forthwith banished all Flemings, as well their persons as their wares, out of his kingdom; commanding his subjects likewise, and by name his merchants adventurers, which had a resiance at Antwerp, to return; translating the mart, which commonly followed the English cloth, unto Calais; and embarred also all farther trade for the future. This the king did, being sensible in point of honour, not to suffer a pretender to the crown of England to affront him so near at hand, and he to keep terms of friendship with the country where he did set up. But he had also a farther reach; for that he knew well, that the subjects of Flanders drew so great commodity from the trade of England, as by this embargo they would soon wax weary of Perkin; and that the tumult of Flanders had been so late and fresh, as it was no time for the prince to displease the people. Nevertheless for form's sake, by way of requital, the archduke did likewise banish the English out of Flanders; which in effect was done to his hand.

The king being well advertised, that Perkin did more trust upon friends and partakers within the realm than upon foreign arms, thought it behoved him to apply the remedy where the disease lay: and to proceed with severity against some of the principal conspirators here within the realm; thereby to purge the ill humours in England, and to cool the hopes in Flanders. Wherefore he caused to be apprehended, almost at an instant, John Ratcliffe lord Fitzwalter, Sir Simon Mountfort, Sir Thomas Thwaites, William D'Aubigney, Robert Ratcliffe, Thomas Cressenor, and Thomas Astwood. All these were arraigned, convicted, and condemned for high treason, in adhering and promising aid to Perkin. Of these the lord Fitzwalter was conveyed to Calais, and there kept in hold, and in hope of life, until soon after, either impatient or betrayed, he dealt with his keeper to have escaped, and thereupon was beheaded. But Sir Simon Mountfort, Robert Ratcliffe, and William D'Aubigney, were beheaded immediately after their condemnation. The rest were pardoned, together with many others, clerks and laics, amongst which were two Dominican friers, and William Worseley dean of Paul's; which latter sort passed examination, but came not to public trial.

The lord chamberlain at that time was not touched; whether it were that the king would not stir too many humours at once, but, after the manner of good physicians, purge the head last; or that Clifford, from whom most of these discoveries came, reserved that piece for his own coming over; signifying only to the king in the mean time, that he doubted there were some greater ones in the business, whereof he would give the king farther account when he came to his presence.

Upon Alhallows-day even, being now the tenth year of the king's reign, the king's second son Henry was created duke of York; and as well the duke, as divers others, noblemen, knights-bachelors, and gentlemen of quality, were made knights of the Bath, according to the ceremony. Upon the morrow after twelfth-day, the king removed from Westminster, where he had kept his Christmas, to the Tower of London. This he did as soon as he had advertisement that Sir Robert Clifford, in whose bosom or budget most of Perkin's secrets were laid up, was come into England. And the place of the Tower was chosen to that end, that if Clifford should accuse any of the great ones, they might, without suspicion, or noise, or sending abroad of warrants, be presently attached; the court and prison being within the cincture of one wall. After a day or two, the king drew unto him a selected council, and admitted Clifford to his presence; who first fell down at his feet, and in all humble manner craved the king's pardon; which the king then granted, though he were indeed secretly assured of his life before. Then commanded to tell his knowledge, he did amongst many others, of himself, not interrogated, impeach Sir William Stanley, the lord chamberlain of the king's household.

The king seemed to be much amazed at the naming of this lord, as if he had heard the news of some strange and fearful prodigy. To hear a man that had done him service of so high a nature, as to save his life, and set the crown upon his head; a man that enjoyed, by his favour and advancement, so great a fortune both in honour and riches; a man, that was tied unto him in so near a band of alliance, his brother having married the king's

mother; and lastly, a man to whom he had committed the trust of his person, in making him his chamberlain: that this man, no ways disgraced, no ways discontent, no ways put in fear, should be false unto him. Clifford was required to say over again and again, the particulars of his accusation; being warned, that in a matter so unlikely, and that concerned so great a servant of the king's, he should not in any wise go too far. But the king finding that he did sadly and constantly, without hesitation or varying, and with those civil protestations that were fit, stand to that that he had said, offering to justify it upon his soul and life, he caused him to be removed. And after he had not a little bemoaned himself unto his council there present, gave order that Sir William Stanley should be restrained in his own chamber where he lay before, in the square tower: and the next day he was examined by the lords. Upon his examination he denied little of that wherewith he was charged, nor endeavoured much to excuse or extenuate his fault: so that, not very wisely, thinking to make his offence less by confession, he made it enough for condemnation. It was conceived, that he trusted much to his former merits, and the interest that his brother had in the king. But those helps were overweighed by divers things that made against him, and were predominant in the king's nature and mind. First, an over-merit; for convenient merit, unto which reward may easily reach, doth best with kings. Next, the sense of his power; for the king thought, that he that could set him up, was the more dangerous to pull him down. Thirdly, the glimmering of a confiscation; for he was the richest subject for value in the kingdom: there being found in his castle of Holt forty thousand marks in ready money and plate, besides jewels, household-stuff, stocks upon his grounds, and other personal estate, exceeding great. And for his revenue in land and fee, it was three thousand pounds a year of old rent, a great matter in those times. Lastly, the nature of the time; for if the king had been out of fear of his own estate, it was not unlike he would have spared his life. But the cloud of so great a rebellion hanging over his head, made him work sure. Wherefore after some six weeks' distance of time, which the king did honourably interpose, both to give space to his brother's intercession, and to show to the world that he had a conflict with himself what he should do; he was arraigned of high treason, and condemned, and presently after beheaded.

Yet is it to this day left but in dark memory, both what the case of this noble person was, for which he suffered; and what likewise was the ground and cause of his defection, and the alienation of his heart from the king. His case was said to be this; That in discourse between Sir Robert Clifford and him he had said, "That if he were sure that that young man were king Edward's son, he would never bear arms against him." This case seems somewhat a hard case, both in respect of the conditional, and in respect of the other words. But for the conditional, it seemeth the judges of that time, who were learned men, and the three chief of them of the privy-council, thought it was a dangerous thing to admit ifs and ands, to qualify words of treason; whereby every man might express his malice, and blanch his danger. And it was like to the case, in the following times, of Elizabeth Barton, the holy maid of Kent; who had said, "That if king Henry the eighth did not take Catherine his wife again, he should be deprived of his crown, and die the death of a dog." And infinite cases may be put of like nature; which, it seemeth, the grave judges taking into consideration, would not admit of treasons on condition. And as for the positive words, "That he would not bear arms against king Edward's son;" though the words seem calm, yet it was a plain and direct overruling of the king's title, either by the line of Lancaster, or by act of parliament; which, no doubt, pierced the king more, than if Stanley had charged his lance upon him in the field. For if Stanley would hold that opinion, that a son of king Edward had still the better right, he being so principal a person of authority and favour about the king, it was to teach all England to say as much. And therefore, as those times were, that speech touched the quick. But some writers do put this out of doubt; for they say, that Stanley did expressly promise to aid Perkin, and sent him some help of treasure.

Now for the motive of his falling off from the king: it is true, that at Bosworth-field the king was beset, and in a manner enclosed round about by the troops of king Richard, and in manifest danger of his life; when this Stanley was sent by his brother, with three thousand men to his rescue, which he performed so, that king Richard was slain upon the place. So as the condition of mortal men is not capable of a greater benefit, than the king received by the hands of Stanley; being like the benefit of Christ, at once to save and crown. For which service the king gave him great gifts, made him his counsellor and chamberlain: and, somewhat contrary to his nature, had winked at the great spoils of Bosworth-field, which came almost wholly to this man's hands, to his infinite enriching. Yet nevertheless, blown up with the conceit of his merit, he did not think he had received good measure from the king, at least not pressing down and running over, as he expected. And his ambition was so exorbitant and unbounded, as he became suitor to the king for the earldom of Chester: which ever being a kind of appendage to the principality of Wales, and using to go to the king's son, his suit did not only end in a denial but in a distaste: the king perceiving thereby, that his desires were intemperate, and his cogitations vast and irregular, and that his former benefits were but cheap, and lightly regarded by him. Wherefore the king began not to brook him well. And as a little leaven of new distaste doth commonly sour the whole lump of former merits, the king's wit began now to suggest unto his passion, that Stanley at Bosworth-field, though he came time enough to save his life, yet he stayed long enough to endanger it. But yet having no matter against him, he continued him in his places until this his fall.

After him was made lord chamberlain Giles lord D'Aubigney, a man of great sufficiency and valour: the more because he was gentle and moderate.

There was a common opinion, that Sir Robert Clifford, who now was become the state informer, was from the beginning an emissary and spy of the king's; and that he fled over into Flanders with his consent and privity. But this is not probable; both because he never recovered that degree of grace which he had with the king before his going over; and chiefly, for that the discovery which he had made touching the lord chamberlain, which was his great service, grew not from any thing he learned abroad, for that he knew it well before he went.

These executions, and especially that of the lord chamberlain, which was the chief strength of the party, and by means of Sir Robert Clifford, who was the most inward man of trust amongst them, did extremely quail the design of Perkin and his complices, as well through discouragement as distrust. So that they were now, like sand without lime, ill bound together; especially as many as were English, who were at a gaze, looking strange one upon another, not knowing who was faithful to their side; but thinking, that the king, what with his baits, and what with his nets, would draw them all unto him that were any thing worth. And indeed it came to pass, that divers came away by the thread, sometimes one, and sometimes another. Barley, that was joint commissioner with Clifford, did hold out one of the longest, till Perkin was far worn; yet made his peace at the length. But the fall of this great man, being in so high authority and favour, as was thought, with the king; and the manner of carriage of the business, as if there had been secret inquisition upon him for a great time before; and the cause for which he suffered, which was little more than for saying in effect that the title of York was better than the title of Lancaster; which was the case of almost every man, at the least in opinion; was matter of great terror amongst all the king's servants and subjects; insomuch as no man almost thought himself secure, and men durst scarce commune or talk one with another, but there was a general diffidence every where: which nevertheless made the king rather more absolute than more safe. For "bleeding inwards, and shut vapours, strangle soonest, and oppress most."

Hereupon presently came forth swarms and volleys of libels, which are the gusts of liberty of speech restrained, and the females of sedition, containing bitter invectives and slanders against the king and some of the council: for the contriving and dispersing whereof, after great diligence of inquiry, five mean persons were caught up and executed.

Meanwhile the king did not neglect Ireland, being the soil where these mushrooms and upstart weeds, that spring up in a night, did chiefly prosper. He sent therefore from hence, for the better settling of his affairs there, commissioners of both robes, the prior of Lanthony, to be his chancellor in that kingdom; and Sir Edward Poynings, with a power of men, and a marshal commission, together with a civil power of his lieutenant, with a clause, that the earl of Kildare, then deputy, should obey him. But the wild Irish, who were the principal offenders, fled into the woods and bogs, after their manner; and those that knew themselves guilty in the pale fled to them. So that Sir Edward Poynings was enforced to make a wild chase upon the wild Irish: where, in respect of the mountains and fastnesses, he did little good. Which, either out of a suspicious melancholy upon his bad success, or the better to save his service from disgrace, he would needs impute unto the comfort that the rebels should receive underhand from the earl of Kildare; every light suspicion growing upon the earl, in respect of the Kildare that was in the action of Lambert Simnel, and slain at Stokefield. Wherefore he caused the earl to be apprehended, and sent into England; where, upon examination, he cleared himself so well, as he was replaced in his government. But Poynings, the better to make compensation of the meagreness of his service in the wars by acts of peace, called a parliament; where was made that memorable act, which at this day is called Poynings' law, whereby all the statutes of England were made to be of force in Ireland: for before they were not, neither are any now in force in Ireland, which were made in England since that time; which was the tenth year of the king.

About this time began to be discovered in the king that disposition, which afterwards, nourished and whet on by bad counsellors and ministers, proved the blot of his times: which was the course he took to crush treasure out of his subjects' purses, by forfeitures upon penal laws. At this men did startle the more at this time, because it appeared plainly to be in the king's nature, and not out of his necessity, he being now in float for treasure: for that he had newly received the peace-money from France, the benevolence-money from his subjects, and great casualties upon the confiscations of the lord chamberlain, and divers others. The first noted case of this kind was that of Sir William Capel, alderman of London; who, upon sundry penal laws, was condemned in the sum of seven and twenty hundred pounds, and compounded with the king for sixteen hundred: and yet after, Empson would have cut another chop out of him, if the king had not died in the instant.

The summer following, the king, to comfort his mother, whom he did always tenderly love and revere, and to make open demonstration to the world, that the proceedings against Sir William Stanley, which was imposed upon him by necessity of state, had not in any degree diminished the affection he bare to Thomas his brother, went in progress to Latham, to make merry with his mother and the earl, and lay there divers days.

During this progress, Perkin Warbeck, finding that time and temporizing, which, whilst his practices were covert and wrought well in England, made for him; did now, when they were discovered and defeated, rather make against him, for that when matters once go down the hill, they stay not without a new force; resolved to try his adventure in some exploit upon England: hoping still upon the affections of the common people towards the house of York. Which body of common people he thought was not to be practised upon, as persons of quality

are; but that the only practice upon their affections was to set up a standard in the field. The place where he should make his attempt, he chose to be the coast of Kent.

The king by this time was grown to such a height of reputation for cunning and policy, that every accident and event that went well, was laid and imputed to his foresight, as if he had set it before: as in this particular of Perkin's design upon Kent. For the world would not believe afterwards, but the king, having secret intelligence of Perkin's intention for Kent, the better to draw it on, went of purpose into the north afar off, laying an open side unto Perkin, to make him come to the close, and so to trip up his heels, having made sure in Kent beforehand.

But so it was, that Perkin had gathered together a power of all nations, neither in number, nor in the hardiness and courage of the persons, contemptible, but in their nature and fortunes to be feared, as well of friends as enemies; being bankrupts, and many of them felons, and such as lived by rapine. These he put to sea, and arrived upon the coast of Sandwich and Deal in Kent, about July.

There he cast anchor, and to prove the affections of the people, sent some of his men to land, making great boasts of the power that was to follow. The Kentish men, perceiving that Perkin was not followed by any English of name or account, and that his forces consisted but of strangers born, and most of them base people and freebooters, fitter to spoil a coast than to recover a kingdom; resorting unto the principal gentlemen of the country, professed their loyalty to the king, and desired to be directed and commanded for the best of the king's service. The gentlemen entering into consultation, directed some forces in good number to show themselves upon the coast; and some of them to make signs to entice Perkin's soldiers to land, as if they would join with them; and some others to appear from some other places, and to make semblance as if they fled from them, the better to encourage them to land. But Perkin, who by playing the prince, or else taught by secretary Frion, had learned thus much, that people under command do use to consult, and after to march in order, and rebels contrariwise run upon a head together in confusion, considering the delay of time, and observing their orderly and not tumultuary arming, doubted the worst. And therefore the wily youth would not set one foot out of his ship, till he might see things were sure. Wherefore the king's forces, perceiving that they could draw on no more than those that were formerly landed, set upon them and cut them in pieces, ere they could fly back to their ships. In which skirmish, besides those that fled and were slain, there were taken about a hundred and fifty persons. Which, for that the king thought, that to punish a few for example was gentleman's pay; but for rascal people, they were to be cut off every man, especially in the beginning of an enterprise: and likewise for that he saw, that Perkin's forces would now consist chiefly of such rabble and scum of desperate people, he therefore hanged them all for the greater terror. They were brought to London all railed in ropes, like a team of horses in a cart, and were executed some of them at London and Wapping, and the rest at divers places upon the sea-coast of Kent, Sussex and Norfolk, for sea-marks or light-houses, to teach Perkin's people to avoid the coast. The king being advertized of the landing of the rebels, thought to leave his progress: but being certified the next day, that they were partly defeated, and partly fled, he continued his progress, and sent Sir Richard Guildford into Kent in message; who calling the country together, did much commend from the king their fidelity, manhood, and well handling of that service; and gave them all thanks, and, in private, promised reward to some particulars.

Upon the sixteenth of November, this being the eleventh year of the king, was holden the serjeants' feast at Ely-place, there being nine serjeants of that call. The king, to honour the feast, was present with his queen at the dinner; being a prince that was ever ready to grace and countenance the professors of the law; having a little of that, that as he governed his subjects by his laws, so he governed his laws by his lawyers.

This year also the king entered into league with the Italian potentates for the defence of Italy against France. For king Charles had conquered the realm of Naples, and lost it again, in a kind of felicity of a dream. He passed the whole length of Italy without resistance; so that it was true which pope Alexander was wont to say, That the Frenchmen came into Italy with chalk in their hands, to mark up their lodgings, rather than with swords to fight. He likewise entered and won, in effect, the whole kingdom of Naples itself, without striking stroke. But presently thereupon he did commit and multiply so many errors, as was too great a task for the best fortune to overcome. He gave no contentment to the barons of Naples, of the faction of the Angeovines; but scattered his rewards according to the mercenary appetites of some about him. He put all Italy upon their guard, by the seizing and holding of Ostia, and the protecting of the liberty of Pisa: which made all men suspect, that his purposes looked farther than his title of Naples. He fell too soon at differences with Ludovico Sfortia, who was the man that carried the keys which brought him in, and shut him out. He neglected to extinguish some relics of the war. And lastly, in regard of his easy passage through Italy without resistance, he entered into an overmuch despising of the arms of the Italians; whereby he left the realm of Naples at his departure so much the less provided. So that not long after his return, the whole kingdom revolted to Ferdinando the younger, and the French were quite driven out. Nevertheless Charles did make both great threats and great preparations to re-enter Italy once again. Wherefore at the instance of divers of the states of Italy, and especially of pope Alexander, there was a league concluded between the said pope, Maximilian king of the Romans, Henry king of England, Ferdinando and Isabella king and queen of Spain, for so they are constantly placed in the original treaty throughout, Augustino Barbadico duke of Venice, and Ludovico Sfortia

duke of Milan, for the common defence of their estates: wherein though Ferdinando of Naples was not named as principal, yet, no doubt, the kingdom of Naples was tacitly included as a fee of the church.

There died also this year Cecile duchess of York, mother to king Edward the fourth, at her castle of Barkhamsted, being of extreme years, and who had lived to see three princes of her body crowned, and four murdered. She was buried at Foderingham by her husband.

This year also the king called his parliament, where many laws were made of a more private and vulgar nature, than ought to detain the reader of a history. And it may be justly suspected by the proceedings following, that as the king did excel in good commonwealth laws, so nevertheless he had, in secret, a design to make use of them, as well for collecting of treasure, as for correcting of manners; and so meaning thereby to harrow his people, did accumulate them the rather.

The principal law that was made this parliament, was a law of a strange nature; rather just than legal; and more magnanimous than provident. This law did ordain; That no person that did assist in arms, or otherwise, the king for the time being, should after be impeached therefore, or attainted, either by the course of the law, or by act of parliament. But if any such act of attainder did happen to be made, it should be void and of none effect; for that it was agreeable to reason of estate, that the subject should not inquire of the justness of the king's title, or quarrel; and it was agreeable to good conscience, that, whatsoever the fortune of the war were, the subject should not suffer for his obedience. The spirit of this law was wonderful pious and noble, being like, in matter of war, unto the spirit of David in matter of plague; who said, "If I have sinned, strike me; but what have these sheep done?" Neither wanted this law parts of prudent and deep foresight; for it did the better take away occasion for the people to busy themselves to pry into the king's title; for that howsoever it fell, their safety was already provided for. Besides, it could not but greatly draw unto him the love and hearts of the people, because he seemed more careful for them than for himself. But yet nevertheless it did take off from his party that great tie and spur of necessity, to fight and go victors out of the field; considering their lives and fortunes were put in safety and protected, whether they stood to it or ran away. But the force and obligation of this law was in itself illusory, as to the latter part of it, by a precedent act of parliament to bind or frustrate a future. For a supreme and absolute power cannot conclude itself, neither can that which is in nature revocable be made fixed, no more than if a man should appoint or declare by his will, that if he made any latter will it should be void. And for the case of the act of parliament, there is a notable precedent of it in king Henry the eighth's time; who doubting he might die in the minority of his son, procured an act to pass, That no statute made during the minority of a king, should bind him or his successors, except it were confirmed by the king under his great seal at his full age. But the first act that passed in king Edward the sixth's time, was an act of repeal of that former act; at which time nevertheless the king was minor. But things that do not bind, may satisfy for the time.

There was also made a shoaring or under-propping act for the benevolence: to make the sums which any person had agreed to pay, and nevertheless were not brought in, to be leviable by course of law. Which act did not only bring in the arrears, but did indeed countenance the whole business, and was pretended to be made at the desire of those that had been forward to pay.

This parliament also was made that good law, which gave the attaint upon a false verdict between party and party, which before was a kind of evangile, and irremediable. It extends not to causes capital, as well because they are for the most part at the king's suit; as because in them, if they be followed in course of indictment, there passeth a double jury, the indictors, and the triers; and so not twelve men, but four and twenty. But it seemeth that was not the only reason; for this reason holdeth not in the appeal. But the great reason was, lest it should tend to the discouragement of jurors in cases of life and death; if they should be subject to suit and penalty, where the favour of life maketh against them. It extendeth not also to any suit, where the demand is under the value of forty pounds; for that in such cases of petty value it would not quit the charge, to go about again.

There was another law made against a branch of ingratitude in women, who having been advanced by their husbands, or their husbands' ancestors, should alien, and thereby seek to defeat the heirs, or those in remainder, of the lands, whereunto they had been so advanced. The remedy was, by giving power to the next, to enter for a forfeiture.

There was also enacted that charitable law, for the admission of poor suitors *in forma pauperis*, without fee to counsellor, attorney, or clerk, whereby poor men became rather able to vex than unable to sue. There were divers other good laws made that parliament, as we said before; but we still observe our manner, in selecting out those, that are not of a vulgar nature.

The king this while, though he sat in parliament, as in full peace, and seemed to account of the designs of Perkin, who was now returned into Flanders, but as a may-game; yet having the composition of a wise king, stout without, and apprehensive within, had given order for the watching of beacons upon the coasts, and erecting more where they stood too thin, and had a careful eye where this wandering cloud would break. But Perkin, advised to keep his fire, which hitherto burned as it were upon green wood, alive with continual blowing, sailed again into Ireland, whence he had formerly departed, rather upon the hopes of France, than upon any unreadiness or discouragement he found in that people. But in the space of time between, the king's diligence and Poynings's commission had so settled things there, as there was nothing left for Perkin, but the bluster-

ing affection of wild and naked people. Wherefore he was advised by his council, to seek aid of the king of Scotland, a prince young and valorous, and in good terms with his nobles and people, and ill affected to king Henry. At this time also both Maximilian and Charles of France began to bear no good will to the king: the one being displeased with the king's prohibition of commerce with Flanders; the other holding the king for suspect, in regard of his late entry into league with the Italians. Wherefore, besides the open aids of the duchess of Burgundy, which did with sails and oars put on and advance Perkin's designs, there wanted not some secret tides from Maximilian and Charles, which did farther his fortunes: insomuch as they, both by their secret letters and messages, recommended him to the king of Scotland.

Perkin therefore coming into Scotland upon those hopes, with a well-appointed company, was by the king of Scots, being formerly well prepared, honourably welcomed, and soon after his arrival admitted to his presence, in a solemn manner: for the king received him in state in his chamber of presence, accompanied with divers of his nobles. And Perkin well attended, as well with those that the king had sent before him, as with his own train, entered the room where the king was, and coming near to the king, and bowing a little to embrace him, he retired some paces back, and with a loud voice, that all that were present might hear him, made his declaration in this manner:

"High and mighty king, your Grace, and these your nobles here present, may be pleased benignly to bow your ears, to hear the tragedy of a young man, that by right ought to hold in his hand the ball of a kingdom; but by fortune is made himself a ball, tossed from misery to misery, and from place to place. You see here before you the spectacle of a Plantagenet, who hath been carried from the nursery to the sanctuary; from the sanctuary to the direful prison; from the prison to the hand of the cruel tormentor; and from that hand to the wide wilderness, as I may truly call it, for so the world hath been to me. So that he that is born to a great kingdom, hath not ground to set his foot upon, more than this where he now standeth by your princely favour. Edward the fourth, late king of England, as your Grace cannot but have heard, left two sons, Edward, and Richard duke of York, both very young. Edward the eldest succeeded their father in the crown, by the name of king Edward the fifth: but Richard duke of Gloucester, their unnatural uncle, first thirsting after the kingdom, through ambition, and afterwards thirsting for their blood, out of desire to secure himself, employed an instrument of his, confident to him, as he thought, to murder them both. But this man that was employed to execute that execrable tragedy, having cruelly slain king Edward, the eldest of the two, was moved partly by remorse, and partly by some other means, to save Richard his brother; making a report nevertheless to the tyrant, that he had performed his commandment to both brethren. This report was accordingly believed, and published generally: so that the world hath been possessed of an opinion, that they both were barbarously made away; though ever truth hath some sparks that fly abroad, until it appear in due time, as this hath had. But Almighty God, that stopped the mouth of the lion, and saved little Joash from the tyranny of Athaliah, when she massacred the king's children; and did save Isaac, when the hand was stretched forth to sacrifice him; preserved the second brother. For I myself, that stand here in your presence, am that very Richard, duke of York, brother of that unfortunate prince, king Edward the fifth, now the most rightful surviving heir male to that victorious and most noble Edward, of that name the fourth, late king of England. For the manner of my escape, it is fit it should pass in silence, or, at least, in a more secret relation; for that it may concern some alive, and the memory of some that are dead. Let it suffice to think, that I had then a mother living, a queen, and one that expected daily such a commandment from the tyrant, for the murdering of her children. Thus in my tender age escaping by God's mercy out of London, I was secretly conveyed over sea: where after a time the party that had me in charge, upon what new fears, change of mind, or practice, God knoweth, suddenly forsook me. Whereby I was forced to wander abroad, and to seek mean conditions for the sustaining of my life. Wherefore distracted between several passions, the one of fear to be known, lest the tyrant should have a new attempt upon me; the other of grief and disdain to be unknown, and to live in that base and servile manner that I did; I resolved with myself to expect the tyrant's death, and then to put myself into my sister's hands, who was next heir to the crown. But in this season it happened one Henry Tudor, son to Edmund Tudor, earl of Richmond, to come from France and enter into the realm, and by subtile and foul means to obtain the crown of the same, which to me rightfully appertained: so that it was but a change from tyrant to tyrant. This Henry, my extreme and mortal enemy, so soon as he had knowledge of my being alive, imagined and wrought all the subtile ways and means he could, to procure my final destruction; for my mortal enemy hath not only falsely surmised me to be a feigned person, giving me nick-names, so abusing the world; but also, to defer and put me from entry into England, hath offered large sums of money to corrupt the princes and their ministers, with whom I have been retained; and made importune labours to certain servants about my person, to murder or poison me, and others to forsake and leave my righteous quarrel, and to depart from my service, as Sir Robert Clifford, and others. So that every man of reason may well perceive that Henry, calling himself king of England, needed not to have bestowed such great sums of treasure, nor so to have busied himself with importune and incessant labour and industry, to compass my death and ruin, if I had been such a feigned person. But the truth of my cause being so manifest, moved the most christian king Charles, and the lady duchess dowager of Burgundy, my most dear aunt, not only to

acknowledge the truth thereof, but lovingly to assist me. But it seemeth that God above, for the good of this whole island, and the knitting of these two kingdoms of England and Scotland in a strait concord and amity, by so great an obligation, hath reserved the placing of me in the imperial throne of England for the arms and succours of your Grace. Neither is it the first time that a king of Scotland hath supported them that were bereft and spoiled of the kingdom of England, as of late, in fresh memory, it was done in the person of Henry the sixth. Wherefore, for that your Grace hath given clear signs, that you are in no noble quality inferior to your royal ancestors; I, so distressed a prince, was hereby moved to come and put myself into your royal hands, desiring your assistance to recover my kingdom of England; promising faithfully to bear myself towards your Grace no otherwise, than if I were your own natural brother; and will, upon the recovery of mine inheritance, gratefully do you all the pleasure that is in my utmost power."

After Perkin had told his tale, king James answered bravely and wisely; "That whatsoever he were, he should not repent him of putting himself into his hands." And from that time forth, though there wanted not some about him, that would have persuaded him that all was but an illusion; yet notwithstanding, either taken by Perkin's amiable and alluring behaviour, or inclining to the recommendation of the great princes abroad, or willing to take an occasion of a war against king Henry, he entertained him in all things, as became the person of Richard duke of York; embraced his quarrel; and, the more to put it out of doubt, that he took him to be a great prince, and not a representation only, he gave consent, that this duke should take to wife the lady Catharine Gordon, daughter to the earl of Huntley, being a near kinswoman to the king himself, and a young virgin of excellent beauty and virtue.

Not long after, the king of Scots in person, with Perkin in his company, entered with a great army, though it consisted chiefly of borderers, being raised somewhat suddenly, into Northumberland. And Perkin, for a perfume before him as he went, caused to be published a proclamation * of this tenor following, in the name of Richard duke of York, true inheritor of the crown of England:

"It hath pleased God, who putteth down the mighty from their seat, and exalteth the humble, and suffereth not the hopes of the just to perish in the end, to give us means at the length to show ourselves armed unto our lieges and people of England. But far be it from us to intend their hurt or damage, or to make war upon them, otherwise than to deliver ourselves and them from tyranny and oppression. For our mortal enemy Henry Tudor, a false usurper of the crown of England, which to us by natural and lineal right appertaineth, knowing in his own heart our undoubted right, we being the very Richard duke of York, younger son, and now surviving heir male of the noble and victorious Edward the fourth, late king of England, hath not only deprived us of our kingdom, but likewise by all foul and wicked means sought to betray us, and bereave us of our life. Yet if his tyranny only extended itself to our person, although our royal blood teacheth us to be sensible of injuries, it should be less to our grief. But this Tudor, who boasteth himself to have overthrown a tyrant, hath, ever since his first entrance into his usurped reign, put little in practice, but tyranny and the feats thereof.

"For king Richard, our unnatural uncle, although desire of rule did blind him, yet in his other actions, like a true Plantagenet, was noble, and loved the honour of the realm, and the contentment and comfort of his nobles and people. But this our mortal enemy, agreeable to the meanness of his birth, hath trodden under foot the honour of this nation: selling our best confederates for money, and making merchandise of the blood, estates, and fortunes of our peers and subjects, by feigned wars, and dishonourable peace, only to enrich his coffers. Nor unlike hath been his hateful misgovernment and evil deportments at home. First, he hath, to fortify his false quarrel, caused divers nobles of this our realm, whom he held suspect and stood in dread of, to be cruelly murdered; as our cousin Sir William Stanley, lord chamberlain, Sir Simon Mountfort, Sir Robert Ratcliffe, William D'Aubigny, Humphrey Stafford, and many others, besides such as have dearly bought their lives with intolerable ransoms: some of which nobles are now in the sanctuary. Also he hath long kept, and yet keepeth in prison, our right entirely well-beloved cousin, Edward, son and heir to our uncle duke of Clarence, and others; withholding from them their rightful inheritance, to the intent they should never be of might and power to aid and assist us at our need, after the duty of their legiances. He also married by compulsion certain of our sisters, and also the sister of our said cousin the earl of Warwick, and divers other ladies of the royal blood, unto certain of his kinsmen and friends of simple and low degree; and putting apart all well disposed nobles, he hath none in favour and trust about his person, but bishop Fox, Smith, Bray, Lovel, Oliver King, David Owen, Risely, Tubervile, Tiler, Chomley, Empson, James Hobart, John Cut, Garth, Henry Wyat, and such other caitiffs and villains of birth, which by subtile inventions, and pilling of the people, have been the principal finders, occasioners, and counsellors of the misrule and mischief now reigning in England.

"We remembering these premises, with the great and execrable offences daily committed and done by our foresaid great enemy and his adherents, in breaking the liberties and franchises of our mother the holy church, upon pretences of wicked and heathenish policy, to the high displeasure of Almighty God, besides the manifold treasons, abominable murders, manslaughters, robberies, extortions, and daily pilling of the people by dismes, taxes, tallages, benevolences, and other unlawful impositions, and grievous exactions, with many other

* The original of this proclamation remaineth with Sir Robert Cotton, a worthy preserver and treasurer of rare antiquities; from whose manuscripts I have had much light for the furnishing of this work.

heinous effects, to the likely destruction and desolation of the whole realm: shall by God's grace, and the help and assistance of the great lords of our blood, with the counsel of other sad persons, see that the commodities of our realm be employed to the most advantage of the same; the intercourse of merchandise betwixt realm and realm to be ministered and handled as shall more be to the common weal and prosperity of our subjects; and all such dismes, taxes, tallages, benevolences, unlawful impositions, and grievous exactions, as be above rehearsed, to be foredone and laid apart, and never from henceforth to be called upon, but in such cases as our noble progenitors, kings of England, have of old time been accustomed to have the aid, succour, and help of their subjects, and true liege-men.

"And farther, we do, out of our grace and clemency, hereby as well publish and promise to all our subjects remission and free pardon of all by-past offences whatsoever, against our person or estate, in adhering to our said enemy, by whom we know well they have been misled, if they shall within time convenient submit themselves unto us. And for such as shall come with the foremost to assist our righteous quarrel, we shall make them so far partakers of our princely favour and bounty, as shall be highly for the comfort of them and theirs, both during their life and after their death: as also we shall, by all means which God shall put into our hands, demean ourselves to give royal contentment to all degrees and estates of our people, maintaining the liberties of holy church in their entire, preserving the honours, privileges, and pre-eminences of our nobles, from contempt and disparagement according to the dignity of their blood. We shall also unyoke our people from all heavy burdens and endurances, and confirm our cities, boroughs, and towns, in their charters and freedoms, with enlargement where it shall be deserved; and in all points give our subjects cause to think, that the blessed and debonair government of our noble father king Edward, in his last times, is in us revived.

"And forasmuch as the putting to death, or taking alive of our said mortal enemy, may be a mean to stay much effusion of blood, which otherwise may ensue, if by compulsion or fair promises he shall draw after him any number of our subjects to resist us, which we desire to avoid, though we be certainly informed, that our said enemy is purposed and prepared to fly the land, having already made over great masses of the treasure of our crown, the better to support him in foreign parts, we do hereby declare, that whosoever shall take or distress our said enemy, though the party be of never so mean a condition, he shall be by us rewarded with a thousand pound in money, forthwith to be laid down to him, and a hundred marks by the year of inheritance; besides that he may otherwise merit, both toward God and all good people, for the destruction of such a tyrant.

"Lastly, we do all men to wit, and herein we take also God to witness, that whereas God hath moved the heart of our dearest cousin, the king of Scotland, to aid us in person in this our righteous quarrel; it is altogether without any pact or promise, or so much as demand of any thing that may prejudice our crown or subjects: but contrariwise, with promise on our said cousin's part, that whensoever he shall find us in sufficient strength to get the upper hand of our enemy, which we hope will be very suddenly, he will forthwith peaceably return into his own kingdom; contenting himself only with the glory of so honourable an enterprise, and our true and faithful love and amity: which we shall ever by the grace of Almighty God, so order, as shall be to the great comfort of both kingdoms."

But Perkin's proclamation did little edify with the people of England; neither was he the better welcome for the company he came in. Wherefore the king of Scotland seeing none came in to Perkin, nor none stirred any where in his favour, turned his enterprise into a road; and wasted and destroyed the country of Northumberland with fire and sword. But hearing that there were forces coming against him, and not willing that they should find his men heavy and laden with booty, he returned into Scotland with great spoils, deferring farther prosecution till another time. It is said, that Perkin, acting the part of a prince handsomely, when he saw the Scottish fell to waste the country, came to the king in a passionate manner, making great lamentation, and desired, that that might not be the manner of making the war; for that no crown was so dear to his mind, as that he desired to purchase it with the blood and ruin of his country. Whereunto the king answered half in sport, that he doubted much he was careful for that that was none of his, and that he should be too good a steward for his enemy, to save the country to his use.

By this time, being the eleventh year of the king, the interruption of trade between the English and the Flemish began to pinch the merchants of both nations very sore: which moved them by all means they could devise, to affect and dispose their sovereigns respectively, to open the intercourse again; wherein time favoured them. For the archduke and his council began to see, that Perkin would prove but a runagate and citizen of the world; and that it was the part of children to fall out about babies. And the king on his part, after the attempts upon Kent and Northumberland, began to have the business of Perkin in less estimation; so as he did not put it to account in any consultation of state. But that that moved him most was, that being a king that loved wealth and treasure, he could not endure to have trade sick, nor any obstruction to continue in the gate vein, which disperseth that blood. And yet he kept state so far, as first to be sought unto. Wherein the merchant adventurers likewise being a strong company at that time, and well under-set with rich men, and good order, did hold out bravely; taking off the commodities of the kingdom, though they lay dead upon their hands for want of vent. At the last, commissioners met at London to treat: on the king's part, bishop Fox, lord privy seal, viscount Wells, Kendal prior of Saint John's, Warham master of the rolls, who began to gain much upon the king's

opinion; Urswick, who was almost ever one; and Riseley: on the archduke's part, the lord Bevers his admiral, the lord Verunsel president of Flanders, and others. These concluded a perfect treaty, both of amity and intercourse, between the king and the archduke; containing articles both of state, commerce, and free fishing. This is that treaty which the Flemings call at this day *intercursus magnus;* both because it is more complete than the precedent treaties of the third and fourth year of the king; and chiefly to give it a difference from the treaty that followed in the one and twentieth year of the king, which they call *intercursus malus.* In this treaty, there was an express article against the reception of the rebels of either prince by other; purporting, That if any such rebel should be required, by the prince whose rebel he was, of the prince confederate, that forthwith the prince confederate should by proclamation command him to avoid the country: which if he did not within fifteen days, the rebel was to stand proscribed, and put out of protection. But nevertheless in this article Perkin was not named, neither perhaps contained, because he was no rebel. But by this means his wings were clipt of his followers that were English. And it was expressly comprised in the treaty, that it should extend to the territories of the duchess dowager. After the intercourse thus restored, the English merchants came again to their mansion at Antwerp, where they were received with procession and great joy.

The winter following, being the twelfth year of his reign, the king called again his parliament; where he did much exaggerate both the malice, and the cruel predatory war lately made by the king of Scotland: That that king, being in amity with him, and no ways provoked, should so burn in hatred towards him, as to drink of the lees and dregs of Perkin's intoxication, who was every where else detected and discarded: and that when he perceived it was out of his reach to do the king any hurt, he had turned his arms upon unarmed and unprovided people, to spoil only and depopulate, contrary to the laws both of war and peace, concluding, that he could neither with honour, nor with the safety of his people, to whom he did owe protection, let pass these wrongs unrevenged. The parliament understood him well, and gave him a subsidy, limited to the sum of one hundred and twenty thousand pounds, besides two fifteens: for his wars were always to him as a mine of treasure of a strange kind of ore; iron at the top, and gold and silver at the bottom. At this parliament, for that there had been so much time spent in making laws the year before, and for that it was called purposely in respect of the Scottish war, there were no laws made to be remembered. Only there passed a law, at the suit of the merchant adventurers of England against the merchant adventurers of London, for monopolizing and exacting upon the trade: which it seemeth they did a little to save themselves, after the hard time they had sustained by want of trade. But those innovations were taken away by parliament.

But it was fatal to the king to fight for his money; and though he avoided to fight with enemies abroad, yet he was still enforced to fight for it with rebels at home: for no sooner began the subsidy to be levied in Cornwall, but the people there began to grudge and murmur. The Cornish being a race of men, stout of stomach, mighty of body and limb, and that lived hardly in a barren country, and many of them could, for a need, live under ground, that were tinners. They muttered extremely, that it was a thing not to be suffered, that for a little stir of the Scots, soon blown over, they should be thus grinded to powder with payments: and said, it was for them to pay that had too much, and lived idly. But they would eat their bread that they got with the sweat of their brows, and no man should take it from them. And as in the tides of people once up, there want not commonly stirring winds to make them more rough; so this people did light upon two ringleaders or captains of the rout. The one was Michael Joseph, a blacksmith or farrier of Bodmin, a notable talking fellow, and no less desirous to be talked of. The other was Thomas Flammock, a lawyer, who, by telling his neighbours commonly upon any occasion that the law was on their side, had gotten great sway amongst them. This man talked learnedly, and as if he could tell how to make a rebellion, and never break the peace. He told the people, that subsidies were not to be granted, nor levied in this case; that is, for wars of Scotland: for that the law had provided another course, by service of escuage, for those journeys; much less when all was quiet, and war was made but a pretence to poll and pill the people. And therefore that it was good they should not stand like sheep before the shearers, but put on harness, and take weapons in their hands. Yet to do no creature hurt; but go and deliver the king a strong petition, for the laying down of those grievous payments, and for the punishment of those that had given him that counsel; to make others beware how they did the like in time to come. And said, for his part he did not see how they could do the duty of true Englishmen, and good liege-men, except they did deliver the king from such wicked ones, that would destroy both him and the country. Their aim was at archbishop Morton and Sir Reginald Bray, who were the king's skreens in this envy.

After that these two, Flammock and the blacksmith, had by joint and several pratings found tokens of consent in the multitude, they offered themselves to lead them, until they should hear of better men to be their leaders, which they said would be ere long: telling them farther, that they would be but their servants, and first in every danger; but doubted not but to make both the west-end and the east-end of England to meet in so good a quarrel; and that all, rightly understood, was but for the king's service. The people, upon these seditious instigations, did arm, most of them with bows, and arrows, and bills, and such other weapons of rude and country people, and forthwith under the command of their leaders, which in such cases is ever at pleasure, marched out of Cornwall through Devonshire unto Taunton in Somersetshire, without any slaughter, violence, or spoil of the country. At Taunton they killed in fury

an officious and eager commissioner for the subsidy, whom they called the provost of Perin. Thence they marched to Wells, where the lord Audley, with whom their leaders had before some secret intelligence, a nobleman of an ancient family, but unquiet and popular, and aspiring to ruin, came in to them, and was by them, with great gladness and cries of joy, accepted as their general; they being now proud that they were led by a nobleman. The lord Audley led them on from Wells to Salisbury, and from Salisbury to Winchester. Thence the foolish people, who, in effect, led their leaders, had a mind to be led into Kent, fancying that the people there would join with them; contrary to all reason or judgment, considering the Kentish men had showed great loyalty and affection to the king so lately before. But the rude people had heard Flammock say, that Kent was never conquered, and that they were the freest people of England. And upon these vain noises, they looked for great matters at their hands, in a cause which they conceited to be for the liberty of the subject. But when they were come into Kent, the country was so well settled, both by the king's late kind usage towards them, and by the credit and power of the earl of Kent, the lord Abergavenny, and the lord Cobham, as neither gentleman nor yeoman came in to their aid; which did much damp and dismay many of the simpler sort; insomuch as divers of them did secretly fly from the army, and went home: but the sturdier sort, and those that were most engaged, stood by it, and rather waxed proud, than failed in hopes and courage. For as it did somewhat appal them, that the people came not in to them; so it did no less encourage them, that the king's forces had not set upon them, having marched from the west unto the east of England. Wherefore they kept on their way, and encamped upon Blackheath, between Greenwich and Eltham; threatening either to bid battle to the king, for now the seas went higher than to Morton and Bray, or to take London within his view; imagining with themselves, there to find no less fear than wealth.

But to return to the king. When first he heard of this commotion of the Cornish men occasioned by the subsidy, he was much troubled therewith; not for itself, but in regard of the concurrence of other dangers that did hang over him at that time. For he doubted lest a war from Scotland, a rebellion from Cornwall, and the practices and conspiracies of Perkin and his partakers, would come upon him at once: knowing well, that it was a dangerous triplicity to a monarchy, to have the arms of a foreigner, the discontents of subjects, and the title of a pretender to meet. Nevertheless the occasion took him in some part well provided. For as soon as the parliament had broken up, the king had presently raised a puissant army to war upon Scotland. And king James of Scotland likewise, on his part, had made great preparations, either for defence, or for new assailing of England. But as for the king's forces, they were not only in preparation, but in readiness presently to set forth, under the conduct of D'Aubigny the lord chamberlain. But as soon as the king understood of the rebellion of Cornwall, he stayed those forces, retaining them for his own service and safety. But therewithal he despatched the earl of Surrey into the north, for the defence and strength of those parts, in case the Scots should stir. But for the course he held towards the rebels, it was utterly differing from his former custom and practice: which was ever full of forwardness and celerity to make head against them, or to set upon them as soon as ever they were in action. This he was wont to do. But now, besides, that he was attempered by years, and less in love with dangers, by the continued fruition of a crown; it was a time when the various appearance to his thoughts of perils of several natures, and from divers parts, did make him judge it his best and surest way, to keep his strength together in the seat and centre of his kingdom: according to the ancient Indian emblem, in such a swelling season, to hold the hand upon the middle of the bladder, that no side might rise. Besides, there was no necessity put upon him to alter his counsel. For neither did the rebels spoil the country, in which case it had been dishonour to abandon his people: neither on the other side did their forces gather or increase, which might hasten him to precipitate and assail them before they grew too strong. And lastly, both reason of estate and war seemed to agree with this course: for that insurrections of base people are commonly more furious in their beginnings. And by this means also he had them the more at vantage, being tired and harassed with a long march; and more at mercy, being cut off far from their country, and therefore not able by any sudden flight to get to retreat, and to renew the troubles.

When therefore the rebels were encamped on Blackheath upon the hill, whence they might behold the city of London, and the fair valley about it; the king knowing well, that it stood him upon, by how much the more he had hitherto protracted the time in not encountering them, by so much the sooner to despatch with them, that it might appear to have been no coldness in fore-slowing, but wisdom in choosing his time; resolved with all speed to assail them, and yet with that providence and surety, as should leave little to venture or fortune. And having very great and puissant forces about him, the better to master all events and accidents, he divided them into three parts; the first was led by the earl of Oxford in chief, assisted by the earls of Essex and Suffolk. These noblemen were appointed, with some cornets of horse, and bands of foot, and good store of artillery, wheeling about to put themselves beyond the hill where the rebels were encamped; and to beset all the skirts and descents thereof, except those that lay towards London; thereby to have these wild beasts, as it were, in a toil. The second part of his forces, which were those that were to be most in action, and upon which he relied most for the fortune of the day, he did assign to be led by the lord chamberlain, who was appointed to set upon the rebels in front, from that side which is towards London. The third part of his forces, being likewise great and brave forces, he retained about himself, to be ready upon all events to restore the fight, or consummate the victory; and meanwhile to

secure the city. And for that purpose he encamped in person in Saint George's Fields, putting himself between the city and the rebels. But the city of London, especially at the first, upon the near encampment of the rebels, was in great tumult: as it useth to be with wealthy and populous cities, especially those which for greatness and fortune are queens of their regions, who seldom see out of their windows, or from their towers, an army of enemies. But that which troubled them most, was the conceit, that they dealt with a rout of people, with whom there was no composition or condition, or orderly treating, if need were; but likely to be bent altogether upon rapine and spoil. And although they had heard that the rebels had behaved themselves quietly and modestly by the way as they went; yet they doubted much that would not last, but rather make them more hungry, and more in appetite to fall upon spoil in the end. Wherefore there was great running to and fro of people, some to the gates, some to the walls, some to the waterside: giving themselves alarms and panic fears continually. Nevertheless both Tate the lord mayor, and Shaw and Haddon the sheriffs, did their part stoutly and well, in arming and ordering the people. And the king likewise did adjoin some captains of experience in the wars, to advise and assist the citizens. But soon after, when they understood that the king had so ordered the matter, that the rebels must win three battles, before they could approach the city, and that he had put his own person between the rebels and them, and that the great care was, rather how to impound the rebels that none of them might escape, than that any doubt was made to vanquish them; they grew to be quiet and out of fear; the rather for the confidence they reposed, which was not small, in the three leaders, Oxford, Essex, and D'Aubigny; all men well famed and loved amongst the people. As for Jasper duke of Bedford, whom the king used to employ with the first in his wars, he was then sick, and died soon after.

It was the two and twentieth of June, and a Saturday, which was the day of the week the king fancied, when the battle was fought: though the king had, by all the art he could devise, given out a false day, as if he prepared to give the rebels battle on the Monday following, the better to find them unprovided, and in disarray. The lords that were appointed to circle the hill, had some days before planted themselves, as at the receit, in places convenient. In the afternoon, towards the decline of the day, which was done, the better to keep the rebels in opinion that they should not fight that day, the lord D'Aubigny marched on towards them, and first beat some troops of them from Deptford-bridge, where they fought manfully; but, being in no great number, were soon driven back, and fled up to their main army upon the hill. The army at that time, hearing of the approach of the king's forces, were putting themselves in array, not without much confusion. But neither had they placed, upon the first high ground towards the bridge, any forces to second the troops below, that kept the bridge; neither had they brought forwards their main battle, which stood in array far into the heath, near to the ascent of the hill. So that the earl with his forces mounted the hill, and recovered the plain without resistance. The lord D'Aubigny charged them with great fury; insomuch as it had like, by accident, to have branded the fortune of the day: for, by inconsiderate forwardness in fighting at the head of his troops, he was taken by the rebels, but immediately rescued and delivered. The rebels maintained the fight for a small time, and for their persons showed no want of courage; but being ill armed, and ill led, and without horse or artillery, they were with no great difficulty cut in pieces, and put to flight. And for their three leaders, the lord Audley, the blacksmith, and Flammock, as commonly the captains of commotions are but half-couraged men, suffered themselves to be taken alive. The number slain on the rebels' part were some two thousand men; their army amounting, as it is said, unto the number of sixteen thousand. The rest were, in effect, all taken; for that the hill, as was said, was encompassed with the king's forces round about. On the king's part there died about three hundred, most of them shot with arrows, which were reported to be of the length of a tailor's yard; so strong and mighty a bow the Cornish-men were said to draw.

The victory thus obtained, the king created divers bannerets, as well upon Blackheath, where his lieutenant had won the field, whither he rode in person to perform the said creation, as in St. George's Fields, where his own person had been encamped. And for matter of liberality, he did, by open edict, give the goods of all the prisoners unto those that had taken them; either to take them in kind, or compound for them, as they could. After matter of honour and liberality, followed matter of severity and execution. The lord Audley was led from Newgate to Tower-hill, in a paper coat painted with his own arms; the arms reversed, the coat torn, and he at Tower-hill beheaded. Flammock and the blacksmith were hanged, drawn, and quartered at Tyburn: the blacksmith taking pleasure upon the hurdle, as it seemeth by words that he uttered, to think that he should be famous in after times. The king was once in mind to have sent down Flammock and the blacksmith to have been executed in Cornwall, for the more terror: but being advertised that the country was yet unquiet and boiling, he thought better not to irritate the people farther. All the rest were pardoned by proclamation, and to take out their pardons under seal, as many as would. So that, more than the blood drawn in the field, the king did satisfy himself with the lives of only three offenders, for the expiation of this great rebellion.

It was a strange thing to observe the variety and inequality of the king's executions and pardons: and a man would think it, at the first, a kind of lottery or chance. But, looking into it more nearly, one shall find there was reason for it, much more, perhaps, than after so long a distance of time we can now discern. In the Kentish commotion, which was but a handful of men, there were executed to the number of one hundred and fifty: and in this so mighty a rebellion but three. Whether it were

that the king put to account the men that were slain in the field, or that he was not willing to be severe in a popular cause, or that the harmless behaviour of this people, that came from the west of England to the east, without mischief almost, or spoil of the country, did somewhat mollify him, and move him to compassion; or lastly, that he made a great difference between people that did rebel upon wantonness, and them that did rebel upon want.

After the Cornish-men were defeated, there came from Calais to the king an honourable ambassage from the French king, which had arrived at Calais a month before, and there was stayed in respect of the troubles, but honourably entertained and defrayed. The king, at their first coming, sent unto them, and prayed them to have patience, till a little smoke, that was raised in his country, were over, which would soon be: slighting, as his manner was, that openly, which nevertheless he intended seriously.

This ambassage concerned no great affair, but only the prolongation of days for payment of moneys, and some other particulars of the frontiers. And it was, indeed, but a wooing ambassage, with good respects to entertain the king in good affection; but nothing was done or handled to the derogation of the king's late treaty with the Italians.

But during the time that the Cornish-men were in their march towards London, the king of Scotland, well advertised of all that passed, and knowing himself sure of a war from England, whensoever those stirs were appeased, neglected not his opportunity; but thinking the king had his hands full, entered the frontiers of England again with an army, and besieged the castle of Norham in person, with part of his forces, sending the rest to forage the country. But Fox, bishop of Duresme, a wise man, and one that could see through the present to the future, doubting as much before, had caused his castle of Norham to be strongly fortified, and furnished with all kind of munition; and had manned it likewise with a very great number of tall soldiers, more than for the proportion of the castle, reckoning rather upon a sharp assault than a long siege. And for the country likewise, he had caused the people to withdraw their cattle and goods into fast places, that were not of easy approach; and sent in post to the earl of Surrey, who was not far off, in Yorkshire, to come in diligence to the succour. So as the Scottish king both failed of doing good upon the castle, and his men had but a catching harvest of their spoils: and when he understood that the earl of Surrey was coming on with great forces he returned back into Scotland. The earl, finding the castle freed, and the enemy retired, pursued with all celerity into Scotland, hoping to have overtaken the Scottish king, and to have given him battle; but, not attaining him in time, sat down before the castle of Aton, one of the strongest places, then esteemed, between Berwick and Edinburgh, which in a small time he took. And soon after, the Scottish king retiring farther into his country, and the weather being extraordinary foul and stormy, the earl returned into England. So that the expeditions on both parts were, in effect, but a castle taken, and a castle distressed; not answerable to the puissance of the forces, nor to the heat of the quarrel, nor to the greatness of the expectation.

Amongst these troubles, both civil and external, came into England from Spain, Peter Hialas, some call him Elias, surely he was the forerunner of the good hap that we enjoy at this day: for his ambassage set the truce between England and Scotland; the truce drew on the peace; the peace the marriage; and the marriage the union of the kingdoms; a man of great wisdom, and, as those times were, not unlearned; sent from Ferdinando and Isabella, kings of Spain, unto the king, to treat a marriage between Catherine, their second daughter, and prince Arthur. This treaty was by him set in a very good way, and almost brought to perfection. But it so fell out by the way, that upon some conference which he had with the king touching this business, the king, who had a great dexterity in getting suddenly into the bosom of the ambassadors of foreign princes, if he liked the men; insomuch as he would many times communicate with them of his own affairs, yea, and employ them in his service, fell into speech and discourse incidently, concerning the ending of the debates and differences with Scotland. For the king naturally did not love the barren wars with Scotland, though he made his profit of the noise of them. And he wanted not in the council of Scotland, those that would advise their king to meet him at the half way, and to give over the war with England; pretending to be good patriots, but indeed favouring the affairs of the king. Only his heart was too great to begin with Scotland for the motion of peace. On the other side, he had met with an ally of Ferdinando of Arragon, as fit for his turn as could be. For after that king Ferdinando had, upon assured confidence of the marriage to succeed, taken upon him the person of a fraternal ally to the king, he would not let, in a Spanish gravity, to counsel the king in his own affairs. And the king on his part, not being wanting to himself, but making use of every man's humours, made his advantage of this in such things as he thought either not decent, or not pleasant to proceed from himself; putting them off as done by the council of Ferdinando. Wherefore he was content that Hialas, as in a matter moved and advised from Hialas himself, should go into Scotland, to treat of a concord between the two kings. Hialas took it upon him, and coming to the Scottish king, after he had with much art brought king James to hearken to the more safe and quiet counsels, wrote unto the king, that he hoped that peace would with no great difficulty cement and close, if he would send some wise and temperate counsellor of his own, that might treat of the conditions. Whereupon the king directed bishop Fox, who at that time was at his castle of Norham, to confer with Hialas, and they both to treat with some commissioners deputed from the Scottish king. The commissioners of both sides met. But after much dispute upon the articles and conditions of peace, propounded upon either part, they could not conclude a peace. The chief impediment thereof was the demand of the king to have

Perkin delivered into his hands, as a reproach to all kings, and a person not protected by the law of nations. The king of Scotland, on the other side, peremptorily denied so to do, saying, that he, for his part, was no competent judge of Perkin's title; but that he had received him as a suppliant, protected him as a person fled for refuge, espoused him with his kinswoman, and aided him with his arms, upon the belief that he was a prince; and therefore that he could not now with his honour so unrip, and, in a sort, put a lie upon all that he had said and done before, as to deliver him up to his enemies. The bishop likewise, who had certain proud instructions from the king, at the least in the front, though there were a pliant clause at the foot, that remitted all to the bishop's discretion, and required him by no means to break off in ill terms, after that he had failed to obtain the delivery of Perkin, did move a second point of his instructions, which was, that the Scottish king would give the king an interview in person at Newcastle. But this being reported to the Scottish king, his answer was, that he meant to treat a peace, and not to go a begging for it. The bishop also, according to another article of his instructions, demanded restitution of the spoils taken by the Scottish, or damages for the same. But the Scottish commissioners answered that that was but as water spilt upon the ground, which could not be gotten up again; and that the king's people were better able to bear the loss, than their master to repair it. But in the end, as persons capable of reason, on both sides they made rather a kind of recess than a breach of treaty, and concluded upon a truce for some months following. But the king of Scotland, though he would not formally retract his judgment of Perkin, wherein he had engaged himself so far; yet in his private opinion, upon often speech with the Englishmen, and divers other advertisements, began to suspect him for a counterfeit. Wherefore in a noble fashion he called him unto him, and recounted the benefits and favours that he had done him in making him his ally, and in provoking a mighty and opulent king by an offensive war in his quarrel, for the space of two years together; nay more, that he had refused an honourable peace, whereof he had a fair offer, if he would have delivered him; and that, to keep his promise with him, he had deeply offended both his nobles and people, whom he might not hold in any long discontent: and therefore required him to think of his own fortunes, and to choose out some fitter place for his exile: telling him withal, that he could not say, but the English had forsaken him before the Scottish, for that, upon two several trials, none had declared themselves on his side; but nevertheless he would make good what he said to him at his first receiving, which was, that he should not repent him for putting himself into his hands; for that he would not cast him off, but help him with shipping and means to transport him where he should desire. Perkin, not descending at all from his stage-like greatness, answered the king in few words, that he saw his time was not yet come; but whatsoever his fortunes were, he should both think and speak honour of the king. Taking his leave, he would not think of Flanders, doubting it was but hollow ground for him since the treaty of the archduke, concluded the year before; but took his lady, and such followers as would not leave him, and sailed over into Ireland.

This twelfth year of the king, a little before this time, pope Alexander, who loved best those princes that were furthest off, and with whom he had least to do, taking very thankfully the king's late entrance into league for the defence of Italy, did remunerate him with an hallowed sword and cap of maintenance sent by his nuncio. Pope Innocent had done the like, but it was not received in that glory: for the king appointed the mayor and his brethren to meet the pope's orator at London bridge, and all the streets between the bridge foot, and the palace of Paul's, where the king then lay, were garnished with the citizens, standing in their liveries. And the morrow after, being Allhallows day, the king, attended with many of his prelates, nobles, and principal courtiers, went in procession to Paul's, and the cap and sword were borne before him. And after the procession, the king himself remaining seated in the quire, the lord archbishop, upon the greece of the quire, made a long oration: setting forth the greatness and eminency of that honour which the pope, in these ornaments and ensigns of benediction, had done the king; and how rarely, and upon what high deserts, they used to be bestowed: and then recited the king's principal acts and merits, which had made him appear worthy, in the eyes of his holiness, of this great honour.

All this while the rebellion of Cornwall, whereof we have spoken, seemed to have no relation to Perkin; save that perhaps Perkin's proclamation had stricken upon the right vein, in promising to lay down exactions and payments, and so had made them now and then have a kind thought on Perkin. But now these bubbles by much stirring began to meet, as they used to do upon the top of water. The king's lenity, by that time the Cornish rebels, who were taken and pardoned, and, as it was said, many of them sold by them that had taken them, for twelve pence and two shillings apiece, were come down into their country, had rather imboldened them, than reclaimed them; insomuch as they stuck not to say to their neighbours and countrymen, that the king did well to pardon them, for that he knew he should leave few subjects in England, if he hanged all that were of their mind: and began whetting and inciting one another to renew the commotion. Some of the subtilest of them, hearing of Perkin's being in Ireland, found means to send to him to let him know, that if he would come over to them, they would serve him.

When Perkin heard this news, he began to take heart again, and advised upon it with his council, which were principally three; Herne a mercer, that had fled for debt; Skelton a tailor, and Astley a scrivener; for secretary Frion was gone. These told him, that he was mightily overseen, both when he went into Kent, and when he went into Scotland; the one being a place so near London, and

under the king's nose; and the other a nation so distasted with the people of England, that if they had loved him never so well, yet they would never have taken his part in that company. But if he had been so happy as to have been in Cornwall at the first, when the people began to take arms there, he had been crowned at Westminster before this time. For these kings, as he had now experience, would sell poor princes for shoes. But he must rely wholly upon people; and therefore advised him to sail over with all possible speed into Cornwall: which accordingly he did; having in his company four small barks, with some sixscore or sevenscore fighting men. He arrived in September at Whitsand-Bay, and forthwith came to Bodmin, the blacksmith's town; where there assembled unto him to the number of three thousand men of the rude people. There he set forth a new proclamation, stroking the people with fair promises, and humouring them with invectives against the king and his government. And as it fareth with smoke, that never loseth itself till it be at the highest; he did now before his end raise his style, entitling himself no more Richard duke of York, but Richard the fourth, king of England. His council advised him by all means to make himself master of some good walled town; as well to make his men find the sweetness of rich spoils, and to allure to him all loose and lost people, by like hopes of booty; as to be a sure retreat to his forces, in case they should have any ill day, or unlucky chance in the field. Wherefore they took heart to them, and went on, and besieged the city of Exeter, the principal town for strength and wealth in those parts.

When they were come before Exeter, they forbare to use any force at the first, but made continual shouts and outcries to terrify the inhabitants. They did likewise in divers places call and talk to them from under the walls, to join with them, and be of their party; telling them, that the king would make them another London, if they would be the first town that should acknowledge him. But they had not the wit to send to them, in any orderly fashion, agents or chosen men, to tempt them, and to treat with them. The citizens on their part showed themselves stout and loyal subjects: neither was there so much as any tumult or division amongst them, but all prepared themselves for a valiant defence, and making good the town. For well they saw, that the rebels were of no such number or power, that they needed to fear them as yet; and well they hoped, that before their numbers increased, the king's succours would come in. And, howsoever, they thought it the extremest of evils, to put themselves at the mercy of those hungry and disorderly people. Wherefore setting all things in good order within the town, they nevertheless let down with cords, from several parts of the walls privily, several messengers, that if one came to mischance, another might pass on, which should advertise the king of the state of the town, and implore his aid. Perkin also doubted that succours would come ere long; and therefore resolved to use his utmost force to assault the town. And for that purpose having mounted scaling ladders in divers places upon the walls, made at the same instant an attempt to force one of the gates. But having no artillery nor engines, and finding that he could do no good by ramming with logs of timber, nor by the use of iron bars, and iron crows, and such other means at hand, he had no way left him but to set one of the gates on fire, which he did. But the citizens well perceiving the danger, before the gate could be fully consumed, blocked up the gate, and some space about it on the inside, with faggots and other fuel, which they likewise set on fire, and so repulsed fire with fire; and in the mean time raised up rampiers of earth, and cast up deep trenches, to serve instead of wall and gate. And for the scaladoes, they had so bad success, as the rebels were driven from the walls with the loss of two hundred men.

The king, when he heard of Perkin's siege of Exeter, made sport with it, and said to them that were about him, that the king of rake-hells was landed in the west, and that he hoped now to have the honour to see him, which he could never yet do. And it appeared plainly to those that were about the king, that he was indeed much joyed with the news of Perkin's being in English ground, where he could have no retreat by land; thinking now, that he should be cured of those privy stitches, which he had long had about his heart, and at some times broken his sleeps, in the midst of all his felicity. And to set all men's hearts on fire, he did by all possible means let it appear, that those that should now do him service to make an end of these troubles, should be no less accepted of him, than he that came upon the eleventh hour, and had the whole wages of the day. Therefore now, like the end of a play, a great number came upon the stage at once. He sent the lord chamberlain, and the lord Brook, and Sir Rice ap Thomas, with expedite forces to speed to Exeter, to the rescue of the town, and to spread the fame of his own following in person with a royal army. The earl of Devonshire, and his son, with the Carews, and the Fulfordes, and other principal persons of Devonshire, uncalled from the court, but hearing that the king's heart was so much bent upon this service, made haste with troops that they had raised, to be the first that should succour the city of Exeter, and prevent the king's succours. The duke of Buckingham likewise, with many brave gentlemen, put themselves in arms, not staying either the king's or the lord chamberlain's coming on, but making a body of forces of themselves, the more to endear their merit; signifying to the king their readiness, and desiring to know his pleasure. So that according to the proverb, in the coming down, every saint did help.

Perkin, hearing this thunder of arms, and preparations against him from so many parts, raised his siege, and marched to Taunton; beginning already to squint one eye upon the crown and another upon the sanctuary; though the Cornish-men were become like metal often fired and quenched, churlish, and that would sooner break than bow; swearing and vowing not to leave him, till the uttermost drop of their blood were spilt. He was at his rising

from Exeter between six and seven thousand strong, many having come unto him after he was set before Exeter, upon fame of so great an enterprise, and to partake of the spoil; though upon the raising of the siege some did slip away. When he was come near Taunton, he dissembled all fear, and seemed all the day to use diligence in preparing all things ready to fight. But about midnight, he fled with threescore horse to Bewdley in the New Forest, where he and divers of his company registered themselves sanctuary men, leaving his Cornish-men to the four winds; but yet thereby easing them of their vow, and using his wonted compassion, not to be by when his subjects' blood should be spilt. The king, as soon as he heard of Perkin's flight, sent presently five hundred horse to pursue and apprehend him, before he should get either to the sea, or to that same little island, called a sanctuary. But they came too late for the latter of these. Therefore all they could do, was to beset the sanctuary, and to maintain a strong watch about it, till the king's pleasure were farther known. As for the rest of the rebels, they, being destitute of their head, without stroke stricken, submitted themselves unto the king's mercy. And the king, who commonly drew blood, as physicians do, rather to save life than to spill it, and was never cruel when he was secure; now he saw the danger was past, pardoned them all in the end, except some few desperate persons, which he reserved to be executed, the better to set off his mercy towards the rest. There were also sent with all speed some horse to Saint Michael's mount in Cornwall, where the lady Catharine Gordon was left by her husband, whom in all fortunes she entirely loved; adding the virtues of a wife to the virtues of her sex. The king sent in the greater diligence, not knowing whether she might be with child, whereby the business would not have ended in Perkin's person. When she was brought to the king, it was commonly said that the king received her not only with compassion, but with affection; pity giving more impression to her excellent beauty. Wherefore comforting her to serve as well his eye as his fame, he sent her to his queen, to remain with her; giving her a very honourable allowance for the support of her estate, which she enjoyed both during the king's life, and many years after. The name of the White-rose, which had been given to her husband's false title, was continued in common speech to her true beauty.

The king went forwards on his journey, and made a joyful entrance into Exeter, where he gave the citizens great commendations and thanks; and taking the sword he wore from his side, he gave it to the mayor, and commanded it should be ever after carried before him. There also he caused to be executed some of the ringleaders of the Cornish-men, in sacrifice to the citizens whom they had put in fear and trouble. At Exeter the king consulted with his council, whether he should offer life to Perkin if he would quit the sanctuary, and voluntarily submit himself. The council were divided in opinion: some advised the king to take him out of sanctuary per force, and to put him to death, as in a case of necessity, which in itself dispenseth with consecrated places and things: wherein they doubted not also but the king should find the pope tractable to ratify his deed, either by declaration, or, at least, by indulgence. Others were of opinion, since all was now safe, and no farther hurt could be done, that it was not worth the exposing of the king to new scandal and envy. A third sort fell upon the opinion, that it was not possible for the king ever, either to satisfy the world well touching the imposture, or to learn out the bottom of the conspiracy, except by promise of life and pardon, and other fair means, he should get Perkin into his hands. But they did all in their preambles much bemoan the king's case, with a kind of indignation at his fortune; that a prince of his high wisdom and virtue, should have been so long and so oft exercised and vexed with idols. But the king said, that it was the vexation of God Almighty himself to be vexed with idols, and therefore that that was not to trouble any of his friends; and that for himself, he always despised them; but was grieved that they had put his people to such trouble and misery. But in conclusion, he leaned to the third opinion, and so sent some to deal with Perkin: who seeing himself prisoner, and destitute of all hopes, having tried princes and people, great and small, and found all either false, faint, or unfortunate, did gladly accept of the condition. The king did also, while he was at Exeter, appoint the lord Darcy, and others commissioners, for the finding of all such as were of any value, and had any hand or partaking in the aid of Perkin, or the Cornish-men, either in the field or in the flight.

These commissioners proceeded with such strictness and severity, as did much obscure the king's mercy in sparing of blood, with the bleeding of so much treasure. Perkin was brought into the king's court, but not to the king's presence; though the king, to satisfy his curiosity, saw him sometimes out of a window, or in passage. He was in show at liberty, but guarded with all care and watch that was possible, and willed to follow the king to London. But from his first appearance upon the stage, in his new person of a sycophant or juggler, instead of his former person of a prince, all men may think how he was exposed to the derision not only of the courtiers, but also of the common people, who flocked about him as he went along; that one might know afar off where the owl was, by the flight of birds, some mocking, some wondering, some cursing, some prying and picking matter out of his countenance and gesture to talk of: so that the false honour and respects which he had so long enjoyed, was plentifully repaid in scorn and contempt. As soon as he was come to London, the king gave also the city the solace of this May-game; for he was conveyed leisurely on horseback, but not in any ignominious fashion, through Cheapside and Cornhill, to the Tower; and from thence back again to Westminster, with the * churm of a thousand taunts and reproaches. But to amend the show, there followed a little distance off Perkin, an inward counsellor of

* Cum choro.

his, one that had been sergeant farrier to the king. This fellow, when Perkin took sanctuary, chose rather to take a holy habit than a holy place, and clad himself like a hermit, and in that weed wandered about the country, till he was discovered and taken. But this man was bound hand and foot upon the horse, and came not back with Perkin, but was left at the Tower, and within few days after executed. Soon after, now that Perkin could tell better what himself was, he was diligently examined; and after his confession taken, an extract was made of such parts of them, as were thought fit to be divulged, which was printed and dispersed abroad: wherein the king did himself no right: for as there was a laboured tale of particulars, of Perkin's father and mother, and grandsire and grandmother, and uncles and cousins, by names and surnames, and from what places he travelled up and down; so there was little or nothing to purpose of any thing concerning his designs, or any practices that had been held with him; nor the duchess of Burgundy herself, that all the world did take knowledge of, as the person that had put life and being into the whole business, so much as named or pointed at. So that men missing of that they looked for, looked about for they knew not what, and were in more doubt than before: but the king chose rather not to satisfy, than to kindle coals. At that time also it did not appear by any new examination or commitments, that any other person of quality was discovered or appeached, though the king's closeness made that a doubt dormant.

About this time a great fire in the night-time suddenly began at the king's palace of Shene, near unto the king's own lodgings, whereby a great part of the building was consumed, with much costly household stuff; which gave the king occasion of building from the ground that fine pile of Richmond, which is now standing.

Somewhat before this time also, there fell out a memorable accident: There was one Sebastian Gabato, a Venetian, dwelling in Bristol, a man seen and expert in cosmography and navigation. This man seeing the success, and emulating perhaps the enterprise of Christophorus Columbus in that fortunate discovery towards the south-west, which had been by him made some six years before, conceited with himself, that lands might likewise be discovered towards the north-west. And surely it may be he had more firm and pregnant conjectures of it, than Columbus had of this at the first. For the two great islands of the old and new world, being, in the shape and making of them, broad towards the north, and pointed towards the south; it is likely, that the discovery first began where the lands did nearest meet. And there had been before that time a discovery of some lands, which they took to be islands, and were indeed the continent of America, towards the north-west. And it may be that some relation of this nature coming afterwards to the knowledge of Columbus, and by him suppressed, (desirous rather to make his enterprise the child of his science and fortune, than the follower of a former discovery,) did give him better assurance, that all was not sea, from the west of Europe and Africa unto Asia, than either Seneca's prophecy or Plato's antiquities, or the nature of the tides and land-winds, and the like, which were the conjectures that were given out, whereupon he should have relied: though I am not ignorant, that it was likewise laid unto the casual and wind-beaten discovery, a little before, of a Spanish pilot, who died in the house of Columbus. But this Gabato bearing the king in hand, that he would find out an island endued with rich commodities, procured him to man and victual a ship at Bristol, for the discovery of that island: with whom ventured also three small ships of London merchants, fraught with some gross and slight wares, fit for commerce with barbarous people. He sailed, as he affirmed at his return, and made a chart thereof, very far westwards, with a quarter of the north, on the north side of Terra de Labrador, until he came to the latitude of sixty-seven degrees and a half, finding the seas still open. It is certain also, that the king's fortune had a tender of that great empire of the West-Indies. Neither was it a refusal on the king's part, but a delay by accident, that put by so great an acquest: for Christophorus Columbus, refused by the king of Portugal, who would not embrace at once both east and west, employed his brother Bartholomæus Columbus unto king Henry, to negotiate for his discovery: and it so fortuned, that he was taken by pirates at sea, by which accidental impediment he was long ere he came to the king: so long, that before he had obtained a capitulation with the king for his brother, the enterprise by him was achieved, and so the West-Indies by providence were then reserved for the crown of Castile. Yet this sharpened the king so, that not only in this voyage, but again in the sixteenth year of his reign, and likewise in the eighteenth thereof, he granted forth new commissions for the discovery and investing of unknown lands.

In this fourteenth year also, by God's wonderful providence, that boweth things unto his will, and hangeth great weights upon small wires, there fell out a trifling and untoward accident, that drew on great and happy effects. During the truce with Scotland, there were certain Scottish young gentlemen that came into Norham town, and there made merry with some of the English of the town: and having little to do, went sometimes forth, and would stand looking upon the castle. Some of the garrison of the castle, observing this their doing twice or thrice, and having not their minds purged of the late ill blood of hostility, either suspected them, or quarelled them for spies; whereupon they fell at ill words, and from words to blows; so that many were wounded of either side, and the Scottish-men, being strangers in the town, had the worst; insomuch that some of them were slain, and the rest made haste home. The matter being complained on, and often debated before the wardens of the marches of both sides, and no good order taken; the king of Scotland took it to himself, and being much kindled, sent a herald to the king to make protestation, that if reparation were not done, according to the conditions of the truce, his king did denounce

war. The king, who had often tried fortune, and was inclined to peace, made answer, that what had been done, was utterly against his will, and without his privity; but if the garrison soldiers had been in fault, he would see them punished, and the truce in all points to be preserved. But this answer seemed to the Scottish king but a delay to make the complaint breathe out with time; and therefore it did rather exasperate him than satisfy him. Bishop Fox, understanding from the king that the Scottish king was still discontent and impatient, being troubled that the occasion of breaking of the truce should grow from his men, sent many humble and deprecatory letters to the Scottish king to appease him. Whereupon king James, mollified by the bishop's submissive and eloquent letters, wrote back unto him, that though he were in part moved by his letters, yet he should not be fully satisfied, except he spake with him, as well about the compounding of the present differences, as about other matters that might concern the good of both kingdoms. The bishop, advising first with the king, took his journey for Scotland. The meeting was at Melross, an abbey of the Cistercians, where the king then abode. The king first roundly uttered unto the bishop his offence conceived for the insolent breach of truce, by his men of Norham castle; whereunto bishop Fox made such humble and smooth answer, as it was like oil unto the wound, whereby it began to heal: and this was done in the presence of the king and his council. After, the king spake with the bishop apart, and opened himself unto him, saying, that these temporary truces and peaces were soon made and soon broken, but that he desired a straiter amity with the king of England; discovering his mind, that if the king would give him in marriage the lady Margaret, his eldest daughter, that indeed might be a knot indissoluble. That he knew well what place and authority the bishop deservedly had with his master: therefore, if he would take the business to heart, and deal in it effectually, he doubted not but it would succeed well. The bishop answered soberly, that he thought himself rather happy than worthy to be an instrument in such a matter, but would do his best endeavour. Wherefore the bishop returning to the king, and giving account what had passed, and finding the king more than well disposed in it, gave the king advice; first to proceed to a conclusion of peace, and then to go on with the treaty of marriage by degrees. Hereupon a peace was concluded, which was published a little before Christmas, in the fourteenth year of the king's reign, to continue for both the kings' lives, and the over-liver of them, and a year after. In this peace there was an article contained, that no Englishman should enter into Scotland, and no Scottishman into England, without letters commendatory from the kings of either nation. This at the first sight might seem a means to continue a strangeness between the nations; but it was done to lock in the borderers.

This year there was also born to the king a third son, who was christened by the name of Edmund, and shortly after died. And much about the same time came news of the death of Charles the French king, for whom there were celebrated solemn and princely obsequies.

It was not long but Perkin, who was made of quicksilver, which is hard to hold or imprison, began to stir. For deceiving his keepers, he took him to his heels, and made speed to the sea-coast. But presently all corners were laid for him, and such diligent pursuit and search made, as he was fain to turn back, and get him to the house of Bethlehem, called the priory of Shene, (which had the privilege of sanctuary,) and put himself into the hands of the prior of that monastery. The prior was thought a holy man, and much reverenced in those days. He came to the king, and besought the king for Perkin's life only, leaving him otherwise to the king's discretion. Many about the king were again more hot than ever, to have the king to take him forth and hang him. But the king, that had a high stomach, and could not hate any that he despised, bid, "Take him forth and set the knave in the stocks;" and so promising the prior his life, he caused him to be brought forth. And within two or three days after, upon a scaffold set up in the palace court at Westminster, he was fettered and set in the stocks for the whole day. And the next day after, the like was done by him at the cross in Cheapside, and in both places he read his confession, of which we made mention before: and was from Cheapside conveyed and laid up in the Tower. Notwithstanding all this, the king was, as was partly touched before, grown to be such a partner with fortune, as nobody could tell what actions the one and what the other owned. For it was believed generally, that Perkin was betrayed, and that this escape was not without the king's privity, who had him all the time of his flight in a line; and that the king did this, to pick a quarrel to him to put him to death, and to be rid of him at once: but this is not probable. For that the same instruments who observed him in his flight, might have kept him from getting into sanctuary.

But it was ordained, that this winding-ivy of a Plantagenet should kill the true tree itself. For Perkin, after he had been a while in the Tower, began to insinuate himself into the favour and kindness of his keepers, servants to the lieutenant of the Tower, Sir John Digby, being four in number; Strangeways, Blewet, Astwood, and Long Roger. These varlets, with mountains of promises, he sought to corrupt, to obtain his escape; but knowing well, that his own fortunes were made so contemptible, as he could feed no man's hopes, and by hopes he must work, for rewards he had none, he had contrived with himself a vast and tragical plot; which was to draw into his company Edward Plantagenet earl of Warwick, then prisoner in the Tower; whom the weary life of a long imprisonment, and the often and renewing fears of being put to death, had softened to take any impression of counsel for his liberty. This young prince he thought the servants would look upon, though not upon himself: and therefore, after that by some message by one or two of them, he had tasted of the earl's consent; it was agreed that these four should murder their master the lieutenant secretly in the night, and make their

best of such money and portable goods of his, as they should find ready at hand, and get the keys of the Tower, and presently let forth Perkin and the earl. But this conspiracy was revealed in time, before it could be executed. And in this again the opinion of the king's great wisdom did surcharge him with a sinister fame, that Perkin was but his bait, to entrap the earl of Warwick. And in the very instant while this conspiracy was in working, as if that also had been the king's industry, it was fatal, that there should break forth a counterfeit earl of Warwick, a cordwainer's son, whose name was Ralph Wilford; a young man taught and set on by an Augustin frier, called Patrick. They both from the parts of Suffolk came forwards into Kent, where they did not only privily and underhand give out that this Wilford was the true earl of Warwick, but also the frier, finding some light credence in the people, took the boldness in the pulpit to declare as much, and to incite the people to come in to his aid. Whereupon they were both presently apprehended, and the young fellow executed, and the frier condemned to perpetual imprisonment. This also happening so opportunely, to represent the danger to the king's estate from the earl of Warwick, and thereby to colour the king's severity that followed; together with the madness of the frier so vainly and desperately to divulge a treason, before it had gotten any manner of strength; and the saving of the frier's life, which nevertheless was, indeed, but the privilege of his order; and the pity in the common people, which if it run in a strong stream, doth ever cast up scandal and envy, made it generally rather talked than believed that all was but the king's device. But howsoever it were, hereupon Perkin, that had offended against grace now the third time, was at the last proceeded with, and by commissioners of oyer and terminer, arraigned at Westminster, upon divers treasons committed and perpetrated after his coming on land within this kingdom, for so the judges advised, for that he was a foreigner, and condemned, and a few days after executed at Tyburn; where he did again openly read his confession, and take it upon his death to be true. This was the end of this little cockatrice of a king, that was able to destroy those that did not espy him first. It was one of the longest plays of that kind that hath been in memory, and might perhaps have had another end, if he had not met with a king both wise, stout, and fortunate.

As for Perkin's three counsellors, they had registered themselves sanctuary men when their master did; and whether upon pardon obtained, or continuance within the privilege, they came not to be proceeded with.

There were executed with Perkin, the mayor of Cork and his son, who had been principal abettors of his treasons. And soon after were likewise condemned eight other persons about the Tower conspiracy, whereof four were lieutenant's men: but of those eight but two were executed. And immediately after was arraigned before the earl of Oxford, then for the time high steward of England, the poor prince, the earl of Warwick; not for the attempt to escape simply, for that was not acted; and besides the imprisonment not being for treason, the escape by law could not be treason, but for conspiring with Perkin to raise sedition, and to destroy the king: and the earl confessing the indictment, had judgment, and was shortly after beheaded on Tower-hill.

This was also the end, not only of this noble and commiserable person Edward the earl of Warwick, eldest son to the duke of Clarence; but likewise of the line male of the Plantagenets, which had flourished in great royalty and renown, from the time of the famous king of England, king Henry the second. Howbeit it was a race often dipped in their own blood. It hath remained since only transplanted into other names, as well of the imperial line, as of other noble houses. But it was neither guilt of crime, nor reason of state, that could quench the envy that was upon the king for this execution: so that he thought good to export it out of the land, and to lay it upon his new ally, Ferdinando king of Spain. For these two kings understanding one another at half a word, so it was that there were letters showed out of Spain, whereby in the passages concerning the treaty of the marriage, Ferdinando had written to the king in plain terms, that he saw no assurance of his succession as long as the earl of Warwick lived; and that he was loth to send his daughter to troubles and dangers. But hereby, as the king did in some part remove the envy from himself; so he did not observe, that he did withal bring a kind of malediction and infausting upon the marriage, as an ill prognostic: which in event so far proved true, as both prince Arthur enjoyed a very small time after the marriage, and the lady Catharine herself, a sad and a religious woman, long after, when king Henry the eighth his resolution of a divorce from her was first made known to her, used some words, that she had not offended, but it was a judgment of God, for that her former marriage was made in blood; meaning that of the earl of Warwick.

This fifteenth year of the king, there was a great plague both in London and in divers parts of the kingdom. Wherefore the king, after often change of places, whether to avoid the danger of the sickness, or to give occasion of an interview with the archduke, or both, sailed over with his queen to Calais. Upon his coming thither, the archduke sent an honourable ambassage unto him, as well to welcome him into those parts, as to let him know, that if it pleased him, he would come and do him reverence. But it was said withal, that the king might be pleased to appoint some place, that were out of any walled town or fortress, for that he had denied the same upon like occasion to the French king: and though, he said, he made a great difference between the two kings, yet he would be loth to give a precedent, that might make it after to be expected at his hands, by another whom he trusted less. The king accepted of the courtesy, and admitted of his excuse, and appointed the place to be at Saint Peter's church without Calais. Bot withal he did visit the archduke with ambassadors sent from himself, which were the lord St. John, and the secretary; unto whom the archduke did the honour, as, going

to mass at Saint Omer's, to set the lord St. John on his right hand, and the secretary on his left, and so to ride between them to church. The day appointed for the interview the king went on horseback some distance from Saint Peter's church, to receive the archduke: and upon their approaching, the archduke made haste to light, and offered to hold the king's stirrup at his alighting; which the king would not permit, but descending from horseback, they embraced with great affection; and withdrawing into the church to a place prepared, they had long conference, not only upon the confirmation of former treaties, and the freeing of commerce, but upon cross marriages, to be had between the duke of York, the king's second son, and the archduke's daughter; and again between Charles, the archduke's son and heir, and Mary, the king's second daughter. But these blossoms of unripe marriages were but friendly wishes, and the airs of loving entertainment; though one of them came afterwards to conclusion in treaty, though not in effect. But during the time that the two princes convened and communed together in the suburbs of Calais, the demonstrations on both sides were passing hearty and affectionate, especially on the part of the archduke: who, besides that he was a prince of an excellent good nature, being conscious to himself how drily the king had been used by his council in the matter of Perkin, did strive by all means to recover it in the king's affection. And having also his ears continually beaten with the counsels of his father and father-in-law, who, in respect of their jealous hatred against the French king, did always advise the archduke to anchor himself upon the amity of king Henry of England; was glad upon this occasion to put in ure and practise their precepts, calling the king patron and father, and protector, these very words the king repeats, when he certified of the loving behaviour of the archduke to the city, and what else he could devise, to express his love and observance to the king. There came also to the king, the governor of Picardy, and the bailiff of Amiens, sent from Lewis the French king to do him honour, and to give him knowledge of his victory, and winning of the duchy of Milan. It seemeth the king was well pleased with the honours he received from those parts, while he was at Calais; for he did himself certify all the news and occurrents of them in every particular, from Calais, to the mayor and aldermen of London, which, no doubt, made no small talk in the city. For the king, though he could not entertain the good will of the citizens, as Edward the fourth did; yet by affability and other princely graces, did ever make very much of them, and apply himself to them.

This year also died John Morton, archbishop of Canterbury, chancellor of England, and cardinal. He was a wise man, and eloquent, but in his nature harsh and haughty: much accepted by the king, but envied by the nobility, and hated of the people. Neither was his name left out of Perkin's proclamation for any good will, but they would not bring him in amongst the king's casting counters, because he had the image and superscription upon him of the pope, in his honour of cardinal. He won the king with secrecy and diligence, but chiefly because he was his old servant in his less fortunes: and also for that, in his affections, he was not without an inveterate malice against the house of York, under whom he had been in trouble. He was willing also to take envy from the king, more than the king was willing to put upon him: for the king cared not for subterfuges, but would stand envy, and appear in any thing that was to his mind; which made envy still grow upon him more universal, but less daring. But in the matter of exactions, time did after show, that the bishop in feeding the king's humour did rather temper it. He had been by Richard the third committed, as in custody, to the duke of Buckingham, whom he did secretly incite to revolt from king Richard. But after the duke was engaged, and thought the bishop should have been his chief pilot in the tempest, the bishop was gotten into the cockboat, and fled over beyond seas. But whatsoever else was in the man, he deserveth a most happy memory, in that he was the principal mean of joining the two roses. He died of great years, but of strong health and powers.

The next year, which was the sixteenth year of the king, and the year of our Lord one thousand five hundred, was the year of jubile at Rome. But pope Alexander, to save the hazard and charges of men's journeys to Rome, thought good to make over those graces by exchange, to such as would pay a convenient rate, seeing they could not come to fetch them. For which purpose was sent into England, Jasper Pons, a Spaniard, the pope's commissioner, better chosen than were the commissioners of pope Leo afterwards employed for Germany: for he carried the business with great wisdom, and semblance of holiness; insomuch as he levied great sums of money within this land to the pope's use, with little or no scandal. It was thought the king shared in the money. But it appeareth by a letter which cardinal Adrian, the king's pensioner, wrote to the king from Rome some few years after, that this was not so. For this cardinal, being to persuade pope Julius, on the king's behalf, to expedite the bull of dispensation for the marriage between prince Henry and the lady Catharine, finding the pope difficile in granting thereof, doth use it as a principal argument concerning the king's merit towards that see, that he had touched none of those deniers which had been levied by Pons in England. But that it might the better appear, for the satisfaction of the common people, that this was consecrated money, the same nuncio brought unto the king a brief from the pope, wherein the king was exhorted and summoned to come in person against the Turk: for that the pope, out of the care of an universal father, seeing almost under his eyes the successes and progresses of that great enemy of the faith, had had in the conclave, and with the assistance of the ambassadors of foreign princes, divers consultations about a holy war, and a general expedition of christian princes against the Turk: wherein it was agreed and thought fit, that the Hungarians, Polonians, and Bohemians, should make a war upon Thracia; the French and Spaniards upon Græcia; and that the pope, willing to sacrifice

himself in so good a cause, in person, and in company of the king of England, the Venetians, and such other states as were great in maritime power, would sail with a puissant navy through the Mediterranean unto Constantinople. And that to this end, his holiness had sent nuncios to all christian princes; as well for a cessation of all quarrels and differences amongst themselves, as for speedy preparations and contributions of forces and treasure for this sacred enterprise.

To this the king, who understood well the court of Rome, made an answer rather solemn than serious: signifying,

"That no prince on earth should be more forward and obedient, both by his person, and by all his possible forces and fortunes, to enter into this sacred war, than himself. But that the distance of place was such, as no forces that he should raise for the seas, could be levied or prepared but with double the charge, and double the time, at the least, that they might be from the other princes, that had their territories nearer adjoining. Besides, that neither the manner of his ships, having no galleys, nor the experience of his pilots and mariners, could be so apt for those seas as theirs. And therefore that his holiness might do well to move one of those other kings, who lay fitter for the purpose, to accompany him by sea. Whereby both all things would be sooner put in readiness, and with less charge, and the emulation and division of command, which might grow between those kings of France and Spain, if they should both join in the war by land upon Græcia, might be wisely avoided: and that for his part he would not be wanting in aids and contribution. Yet notwithstanding, if both these kings should refuse, rather than his holiness should go alone, he would wait upon him as soon as he could be ready: always provided, that he might first see all differences of the christian princes amongst themselves fully laid down and appeased, as for his own part he was in none, and that he might have some good towns upon the coast in Italy put into his hands, for the retreat and safeguard of his men."

With this answer Jasper Pons returned, nothing at all discontented: and yet this declaration of the king, as superficial as it was, gave him that reputation abroad, as he was not long after elected by the knights of Rhodes protector of their order: all things multiplying to honour in a prince, that had gotten such high estimation for his wisdom and sufficiency.

There were these two last years some proceedings against heretics, which was rare in this king's reign, and rather by penances, than by fire. The king had, though he were no good schoolman, the honour to convert one of them by dispute at Canterbury.

This year also, though the king were no more haunted with sprites, for that by the sprinkling, partly of blood, and partly of water, he had chased them away; yet nevertheless he had certain apparitions that troubled him, still showing themselves from one region, which was the house of York. It came so to pass, that the earl of Suffolk, son to Elizabeth eldest sister to king Edward the Fourth, by John duke of Suffolk, her second husband, and brother to John earl of Lincoln, that was slain at Stokefield, being of a hasty and choleric disposition, had killed a man in his fury; whereupon the king gave him his pardon. But, either willing to leave a cloud upon him, or the better to make him feel his grace, produced him openly to plead his pardon. This wrought in the earl, as in a haughty stomach it useth to do; for the ignominy printed deeper than the grace. Wherefore he being discontent, fled secretly into Flanders unto his aunt the duchess of Burgundy. The king startled at it; but, being taught by troubles to use fair and timely remedies, wrought so with him by messages, the lady Margaret also growing, by often failing in her alchemy, weary of her experiments; and partly being a little sweetened, for that the king had not touched her name in the confession of Perkin, that he came over again upon good terms, and was reconciled to the king.

In the beginning of the next year, being the seventeenth of the king, the lady Catharine, fourth daughter of Ferdinando and Isabella, king and queen of Spain, arrived in England at Plymouth the second of October, and was married to prince Arthur in Paul's the fourteenth of November following: the prince being then about fifteen years of age, and the lady about eighteen. The manner of her receiving, the manner of her entry into London, and the celebrity of the marriage, were performed with great and true magnificence, in regard of cost, show, and order. The chief man that took the care was bishop Fox, who was not only a grave counsellor for war or peace, but also a good surveyor of works, and a good master of ceremonies, and any thing else that was fit for the active part, belonging to the service of the court or state of a great king. This marriage was almost seven years in treaty, which was in part caused by the tender years of the marriage couple, especially of the prince: but the true reason was, that these two princes, being princes of great policy and profound judgment, stood a great time looking one upon another's fortunes, how they would go; knowing well, that in the mean time the very treaty itself gave abroad in the world a reputation of a strait conjunction and amity between them, which served on both sides to many purposes, that their several affairs required, and yet they continued still free. But in the end, when the fortunes of both the princes did grow every day more and more prosperous and assured, and that looking all about them they saw no better conditions, they shut it up.

The marriage money the princess brought, which was turned over to the king by act of renunciation, was two hundred thousand ducats; whereof one hundred thousand were payable ten days after the solemnization, and the other hundred thousand at two payments annual; but part of it to be in jewels and plate, and a due course set down to have them justly and indifferently prized. The jointure or advancement of the lady, was the third part of the principality of Wales, and of the dukedom of Cornwall, and of the earldom of Chester, to be after set forth in severalty; and in case she came to be queen of England, her advancement was left indefinite, but

thus; that it should be as great as ever any former queen of England had.

In all the devices and conceits of the triumphs of this marriage, there was a great deal of astronomy: the lady being resembled to Hesperus, and the prince to Arcturus, and the old king Alphonsus, that was the great astronomer of kings, and was ancestor to the lady, was brought in, to be the fortune-teller of the match. And whosoever had those toys in compiling, they were not altogether pedantical: but you may be sure, that king Arthur the Britain, and the descent of the lady Catharine from the house of Lancaster, was in no wise forgotten. But as it should seem, it is not good to fetch fortunes from the stars: for this young prince, that drew upon him at that time, not only the hopes and affections of his country, but the eyes and expectation of foreigners, after a few months, in the beginning of April, deceased at Ludlow castle, where he was sent to keep his resiance and court, as prince of Wales. Of this prince, in respect he died so young, and by reason of his father's manner of education, that did cast no great lustre upon his children, there is little particular memory: only thus much remaineth, that he was very studious and learned, beyond his years, and beyond the custom of great princes.

There was a doubt ripped up in the times following, when the divorce of king Henry the eighth from the lady Catharine did so much busy the world, whether Arthur was bedded with his lady or no, whereby that matter in fact, of carnal knowledge, might be made part of the case. And it is true, that the lady herself denied it, or at least her counsel stood upon it, and would not blanch that advantage, although the plenitude of the pope's power of dispensing was the main question. And this doubt was kept long open, in respect of the two queens that succeeded, Mary and Elizabeth, whose legitimations were incompatible one with another, though their succession was settled by act of parliament. And the times that favoured queen Mary's legitimation would have it believed, that there was no carnal knowledge between Arthur and Catharine. Not that they would seem to derogate from the pope's absolute power, to dispense even in that case; but only in point of honour, and to make the case more favourable and smooth. And the times that favoured queen Elizabeth's legitimation, which were the longer and the latter, maintained the contrary. So much there remaineth in memory, that it was half a year's time between the creation of Henry prince of Wales and prince Arthur's death, which was construed to be, for to expect a full time, whereby it might appear, whether the lady Catharine were with child by prince Arthur, or no. Again, the lady herself procured a bull, for the better corroboration of the marriage, with a clause of *vel forsan cognitam*, which was not in the first bull. There was given in evidence also, when the cause of the divorce was handled, a pleasant passage, which was; that in a morning prince Arthur, upon his up-rising from bed with her, called for drink, which he was not accustomed to do, and finding the gentleman of his chamber that brought him the drink to smile at it, and to note it, he said merrily to him; that he had been in the midst of Spain, which was a hot region, and his journey had made him dry; and that if the other had been in so hot a clime, he would have been drier than he. Besides, the prince was upon the point of sixteen years of age when he died, and forward, and able in body.

The February following, Henry duke of York was created prince of Wales, and earl of Chester and Flint: for the dukedom of Cornwall devolved to him by statute. The king also being fast-handed, and loth to part with a second dowry, but chiefly being affectionate both by his nature, and out of politic considerations to continue the alliance with Spain, prevailed with the prince, though not without some reluctation, such as could be in those years, for he was not twelve years of age, to be contracted with the princess Catharine: the secret providence of God ordaining that marriage to be the occasion of great events and changes.

The same year were the espousals of James king of Scotland with the lady Margaret the king's eldest daughter; which was done by proxy, and published at Paul's cross, the five and twentieth of January, and Te Deum solemnly sung. But certain it is, that the joy of the city thereupon showed, by ringing of bells and bonfires, and such other incense of the people, was more than could be expected, in a case of so great and fresh enmity between the nations, especially in London, which was far enough off from feeling any of the former calamities of the war: and therefore might be truly attributed to a secret instinct and inspiring which many times runneth not only in the hearts of princes, but in the pulse and veins of people, touching the happiness thereby to ensue in time to come. This marriage was in August following consummated at Edinburgh: the king bringing his daughter as far as Colliweston on the way, and then consigning her to the attendance of the earl Northumberland; who with a great troop of lords and ladies of honour brought her into Scotland, to the king her husband.

This marriage had been in treaty by the space of almost three years, from the time that the king of Scotland did first open his mind to bishop Fox. The sum given in marriage by the king, was ten thousand pounds: and the jointure and advancement assured by the king of Scotland, was two thousand pounds a year, after king James his death, and one thousand pounds a year in present, for the lady's allowance or maintenance. This to be set forth in lands, of the best and most certain revenue. During the treaty, it is reported that the king remitted the matter to his council; and that some of the table, in the freedom of counsellors, the king being present, did put the case; that if God should take the king's two sons without issue, that then the kingdom of England would fall to the king of Scotland, which might prejudice the monarchy of England. Whereunto the king himself replied; that if that should be, Scotland would be but an accession to England, and not England to Scotland, for that the greater would draw the less: and that it was a safer union for

England than that of France. This passed as an oracle, and silenced those that moved the question.

The same year was fatal, as well for deaths as marriages, and that with equal temper. For the joys and feasts of the two marriages were compensed with the mournings and funerals of prince Arthur, of whom we have spoken, and of queen Elizabeth, who died in childbed in the Tower, and the child lived not long after. There died also that year Sir Reginald Bray, who was noted to have had with the king the greatest freedom of any counsellor; but it was but a freedom the better to set off flattery. Yet he bare more than his just part of envy for the exactions.

At this time the king's estate was very prosperous: secured by the amity of Scotland, strengthened by that of Spain, cherished by that of Burgundy, all domestic troubles quenched, and all noise of war, like a thunder afar off, going upon Italy. Wherefore nature, which many times is happily contained and refrained by some bands of fortune, began to take place in the king; carrying, as with a strong tide, his affections and thoughts unto the gathering and heaping up of treasure. And as kings do more easily find instruments for their will and humour, than for their service and honour; he had gotten for his purpose, or beyond his purpose, two instruments, Empson and Dudley, whom the people esteemed as his horse-leeches and shearers, bold men and careless of fame, and that took toll of their master's grist. Dudley was of a good family, eloquent, and one that could put hateful business into good language. But Empson, that was the son of a sieve-maker, triumphed always upon the deed done, putting off all other respects whatsoever. Those two persons being lawyers in science, and privy counsellors in authority, as the corruption of the best things is the worst, turned law and justice into wormwood and rapine. For first, their manner was to cause divers subjects to be indicted of sundry crimes, and so far forth to proceed in form of law; but when the bills were found, then presently to commit them; and nevertheless not to produce them in any reasonable time to their answer, but to suffer them to languish long in prison, and by sundry artificial devices and terrors to extort from them great fines and ransoms, which they termed compositions and mitigations.

Neither did they, towards the end, observe so much as the half-face of justice, in proceeding by indictment; but sent forth their precepts to attach men and convent them before themselves, and some others, at their private houses, in a court of commission; and there used to shuffle up a summary proceeding by examination, without trial of jury; assuming to themselves there to deal both in pleas of the crown, and controversies civil.

Then did they also use to inthral and charge the subjects' lands with tenures *in capite*, by finding false offices; and thereby to work upon them for wardships, liveries, premier seizins, and alienations, being the fruits of those tenures, refusing, upon divers pretexts and delays, to admit men to traverse those false offices according to the law. Nay, the king's wards, after they had accomplished their full age, could not be suffered to have livery of their lands, without paying excessive fines, far exceeding all reasonable rates. They did also vex men with informations of intrusion, upon scarce colourable titles.

When men were outlawed in personal actions, they would not permit them to purchase their charters of pardon, except they paid great and intolerable sums; standing upon the strict point of law, which upon outlawries giveth forfeiture of goods; nay, contrary to all law and colour, they maintained the king ought to have the half of men's lands and rents, during the space of full two years, for a pain in case of outlawry. They would also ruffle with jurors, and enforce them to find as they would direct, and if they did not, convent them, imprison them, and fine them.

These and many other courses, fitter to be buried than repeated, they had of preying upon the people; both like tame hawks for their master, and like wild hawks for themselves; insomuch as they grew to great riches and substance: but their principal working was upon penal laws, wherein they spared none, great nor small; nor considered whether the law were possible or impossible, in use or obsolete: but raked over all old and new statutes, though many of them were made with intention rather of terror than of rigour, having ever a rabble of promoters, questmongers, and leading jurors at their command, so as they could have any thing found either for fact or valuation.

There remaineth to this day a report, that the king was on a time entertained by the earl of Oxford, that was his principal servant both for war and peace, nobly and sumptuously, at his castle at Henningham: and at the king's going away, the earl's servants stood, in a seemly manner, in their livery coats, with cognisances, ranged on both sides, and made the king a lane. The king called the earl to him, and said, "My lord, I have heard much of your hospitality, but I see it is greater than the speech: these handsome gentlemen and yeomen, which I see on both sides of me, are sure your menial servants." The earl smiled, and said, "It may please your Grace, that were not for mine own ease: they are most of them my retainers, that are come to do me service at such a time as this, and chiefly to see your Grace." The king started a little, and said, "By my faith, my lord, I thank you for my good cheer, but I may not endure to have my laws broken in my sight; my attorney must speak with you." And it is part of the report, that the earl compounded for no less than fifteen thousand marks. And to show farther the king's extreme diligence, I do remember to have seen long since a book of accompt of Empson's, that had the king's hand almost to every leaf by way of signing, and was in some places postilled in the margin with the king's hand likewise, where was this remembrance.

> "Item, Received of such a one five marks, for a pardon to be procured; and if the pardon do not pass, the money to be repaid: except the party be some other ways satisfied."

And over against this *Memorandum*, of the king's own hand,

"Otherwise satisfied."

Which I do the rather mention, because it shows in the king a nearness, but yet with a kind of justness. So these little sands and grains of gold and silver, as it seemeth, helped not a little to make up the great heap and bank.

But meanwhile to keep the king awake, the earl of Suffolk, having been too gay at prince Arthur's marriage, and sunk himself deep in debt, had yet once more a mind to be a knight-errant, and to seek adventures in foreign parts; and taking his brother with him, fled again into Flanders. That, no doubt, which gave him confidence, was the great murmur of the people against the king's government: and being a man of a light and rash spirit, he thought every vapour would be a tempest. Neither wanted he some party within the kingdom: for the murmur of people awakes the discontents of nobles; and again, that calleth up commonly some head of sedition. The king resorting to his wonted and tried arts, caused Sir Robert Curson, captain of the castle at Hammes, being at that time beyond sea, and therefore less likely to be wrought upon by the king, to fly from his charge, and to feign himself a servant of the earl's. This knight, having insinuated himself into the secrets of the earl, and finding by him upon whom chiefly he had either hope or hold, advertised the king thereof in great secresy; but nevertheless maintained his own credit and inward trust with the earl. Upon whose advertisements, the king attached William Courtney, earl of Devonshire, his brother-in-law, married to the lady Catharine, daughter to king Edward the fourth; William de la Pole, brother to the earl of Suffolk; Sir James Tirrel, and Sir John Windham, and some other meaner persons, and committed them to custody. George lord Abergavenny, and Sir Thomas Green, were at the same time apprehended; but as upon less suspicion, so in a freer restraint, and were soon after delivered. The earl of Devonshire, being interested in the blood of York, that was rather feared than nocent; yet as one that might be the object of others' plots and designs, remained prisoner in the Tower, during the king's life. William de la Pole was also long restrained, though not so straitly. But for Sir James Tirrel, against whom the blood of the innocent princes, Edward the fifth and his brother, did still "cry from under the altar," and Sir John Windham, and the other meaner ones, they were attainted and executed: the two knights beheaded. Nevertheless, to confirm the credit of Curson, who belike had not yet done all his feats of activity, there was published at Paul's cross, about the time of the said executions, the pope's bull of excommunication and curse against the earl of Suffolk and Sir Robert Curson, and some others by name; and likewise in general against all the abettors of the said earl: wherein it must be confessed, that heaven was made too much to bow to earth, and religion to policy. But soon after, Curson when he saw the time, returned into England, and withal into wonted favour with the king, but worse fame with the people. Upon whose return the earl was much dismayed, and seeing himself destitute of hopes, the lady Margaret also, by tract of time and bad success, being now become cool in those attempts, after some wandering in France and Germany, and certain little projects, no better than squibs of an exiled man, being tired out, retired again into the protection of the archduke Philip in Flanders, who by the death of Isabella was at that time king of Castile, in the right of Joan his wife.

This year, being the nineteenth of his reign, the king called his parliament; wherein a man may easily guess how absolute the king took himself to be with his parliament, when Dudley, that was so hateful, was made speaker of the house of commons. In this parliament there were not made any statutes memorable touching public government. But those that were, had still the stamp of the king's wisdom and policy.

There was a statute made for the disannulling of all patents of lease or grant, to such as came not upon lawful summons to serve the king in his wars, against the enemies or rebels, or that should depart without the king's licence; with an exception of certain persons of the long robe: providing nevertheless that they should have the king's wages from their house, till their return home again. There had been the like made before for offices, and by this statute it was extended to lands. But a man may easily see by many statutes made in this king's time, that the king thought it safest to assist martial law by law of parliament.

Another statute was made, prohibiting the bringing in of manufactures of silk wrought by itself, or mixt with any other thread. But it was not of stuffs of whole piece, for that the realm had of them no manufacture in use at that time, but of knit silk, or texture of silk; as ribbons, laces, cauls, points, and girdles, &c. which the people of England could then well skill to make. This law pointed at a true principle; "That where foreign materials are but superfluities, foreign manufactures should be prohibited." For that will either banish the superfluity, or gain the manufacture.

There was a law also of resumption of patents of gaols, and the reannexing of them to the sheriffwicks; privileged officers being no less an interruption of justice, than privileged places.

There was likewise a law to restrain the by-laws, or ordinances of corporations, which many times were against the prerogative of the king, the common law of the realm, and the liberty of the subject, being fraternities in evil. It was therefore provided, that they should not be put in execution, without the allowance of the chancellor, treasurer, and the two chief justices, or three of them, or of the two justices of circuit where the corporation was.

Another law was, in effect, to bring in the silver of the realm to the mint, in making all clipped, minished, or impaired coins of silver, not to be current in payments; without giving any remedy of weight, but with an exception only of reasonable wearing, which was as nothing in respect of the

uncertainty; and so, upon the matter, to set the mint on work, and to give way to new coins of silver, which should be then minted.

There likewise was a long statute against vagabonds, wherein two things may be noted: the one, the dislike the parliament had of gaoling of them, as that which was chargeable, pesterous, and of no open example. The other, that in the statutes of this king's time, for this of the nineteenth year is not the only statute of that kind, there are ever coupled the punishment of vagabonds, and forbidding of dice and cards, and unlawful games, unto servants and mean people, and the putting down and suppressing of alehouses, as strings of one root together, and as if the one were unprofitable without the other.

As for riot and retainers, there passed scarce any parliament in this time without a law against them: the king ever having an eye to might and multitude.

There was granted also that parliament a subsidy, both from the temporality and the clergy. And yet nevertheless, ere the year expired, there went out commissions for a general benevolence, though there were no wars, no fears. The same year the city gave five thousand marks, for confirmation of their liberties; a thing fitter for the beginnings of kings' reigns, than the latter ends. Neither was it a small matter that the mint gained upon the late statute, by the recoinage of groats and half-groats, now twelve-pences and six-pences. As for Empson and Dudley's mills, they did grind more than ever: so that it was a strange thing to see what golden showers poured down upon the king's treasury at once: the last payments of the marriage-money from Spain; the subsidy; the benevolence; the recoinage; the redemption of the city's liberties; the casualties. And this is the more to be marvelled at, because the king had then no occasions at all of wars or troubles. He had now but one son and one daughter unbestowed. He was wise; he was of a high mind; he needed not to make riches his glory; he did excel in so many things else; save that certainly avarice doth ever find in itself matter of ambition. Belike he thought to leave his son such a kingdom, and such a mass of treasure, as he might choose his greatness where he would.

This year was also kept the serjeants' feast, which was the second call in this king's days.

About this time Isabella queen of Castile deceased; a right noble lady, and an honour to her sex and times, and the corner-stone of the greatness of Spain that hath followed. This accident the king took not for news at large, but thought it had a great relation to his own affairs; especially in two points: the one for example, the other for consequence. First, he conceived that the case of Ferdinando of Aragon, after the death of queen Isabella, was his own case after the death of his own queen; and the case of Joan the heir unto Castile, was the case of his own son prince Henry. For if both of the kings had their kingdoms in the right of their wives, they descended to the heirs, and did not accrue to the husbands. And although his own case had both steel and parchment more than the other, that is to say, a conquest in the field, and an act of parliament, yet notwithstanding, that natural title of descent in blood did, in the imagination even of a wise man, breed a doubt, that the other two were not safe nor sufficient. Wherefore he was wonderful diligent to inquire and observe what became of the king of Aragon, in holding and continuing the kingdom of Castile; and whether he did hold it in his own right, or as administrator to his daughter; and whether he were like to hold it in fact, or to be put out by his son-in-law. Secondly, he did revolve in his mind, that the state of christendom might by this late accident have a turn. For whereas before time, himself, with the conjunction of Aragon and Castile, which then was one, and the amity of Maximilian and Philip his son the archduke, was far too strong a party for France; he began to fear, that now the French king, who had great interest in the affections of Philip the young king of Castile, and Philip himself, now king of Castile, who was in ill terms with his father-in-law about the present government of Castile, and thirdly, Maximilian, Philip's father, who was ever variable, and upon whom the surest aim that could be taken was, that he would not be long as he had been last before, would all three, being potent princes, enter into some strait league and confederation amongst themselves: whereby though he should not be endangered, yet he should be left to the poor amity of Aragon. And whereas he had been heretofore a kind of arbiter of Europe, he should now go less, and be over-topped by so great a conjunction. He had also, as it seems, an inclination to marry, and bethought himself of some fit conditions abroad; and amongst others he had heard of the beauty and virtuous behaviour of the young queen of Naples, the widow of Ferdinando the younger, being then of matronal years of seven and twenty; by whose marriage he thought that the kingdom of Naples, having been a goal for a time between the king of Aragon and the French king, and being but newly settled, might in some part be deposited in his hands, who was so able to keep the stakes. Therefore he sent in ambassage or message three confident persons, Francis Marsin, James Braybrooke, and John Stile, upon two several inquisitions rather than negotiations. The one touching the person and condition of the young queen of Naples. The other touching all particulars of estate, that concerned the fortunes and intentions of Ferdinando. And because they may observe best, who themselves are observed least, he sent them under colourable pretexts; giving them letters of kindness and compliment from Catharine the princess, to her aunt and niece, the old and young queen of Naples, and delivering to them also a book of new articles of peace; which notwithstanding it had been delivered unto doctor de Puebla, the lieger ambassador of Spain here in England, to be sent; yet for that the king had been long without hearing from Spain, he thought good those messengers, when they had been with the two queens, should likewise pass on to the court of Ferdinando, and take a copy of the book with them. The instructions touching the queen of Naples were so curious and exquisite, being as arti-

cles whereby to direct a survey, or framing a particular of her person, for complexion, favour, feature, stature, health, age, customs, behaviour, conditions, and estate, as, if the king had been young, a man would have judged him to be amorous; but, being ancient, it ought to be interpreted, that sure he was very chaste, for that he meant to find all things in one woman, and so to settle his affections without ranging. But in this match he was soon cooled, when he heard from his ambassadors, that this young queen had had a goodly jointure in the realm of Naples, well answered during the time of her uncle Frederick, yea and during the time of Lewis the French king, in whose division her revenue fell; but since the time that the kingdom was in Ferdinando's hands, all was assigned to the army and garrisons there, and she received only a pension or exhibition out of his coffers.

The other part of the inquiry had a grave and diligent return, informing the king at full of the present state of king Ferdinando. By this report it appeared to the king, that Ferdinando did continue the government of Castile, as administrator unto his daughter Joan, by the title of queen Isabella's will, and partly by the custom of the kingdom, as he pretended. And that all mandates and grants were expedited in the name of Joan his daughter, and himself as administrator, without mention of Philip her husband. And that king Ferdinando, howsoever he did dismiss himself of the name of king of Castile, yet meant to hold the kingdom without account, and in absolute command.

It appeareth also, that he flattered himself with hopes, that king Philip would permit unto him the government of Castile during his life; which he had laid his plot to work him unto, both by some counsellors of his about him, which Ferdinando had at his devotion, and chiefly by promise, that in case Philip gave not way unto it, he would marry some young lady, whereby to put him by the succession of Aragon and Granada, in case he should have a son; and lastly, by representing unto him that the government of the Burgundians, till Philip were by continuance in Spain made as natural of Spain, would not be endured by the Spaniards. But in all those things, though wisely laid down and considered, Ferdinando failed; but that Pluto was better to him than Pallas.

In the same report also, the ambassadors being mean men, and therefore the more free, did strike upon a string which was somewhat dangerous; for they declared plainly, that the people of Spain, both nobles and commons, were better affected unto the part of Philip, so he brought his wife with him, than to Ferdinando; and expressed the reason to be, because he had imposed upon them many taxes and tallages: which was the king's own case between him and his son.

There was also in this report a declaration of an overture of marriage, which Amason the secretary of Ferdinando had made unto the ambassadors in great secret, between Charles prince of Castile and Mary the king's second daughter; assuring the king that the treaty of marriage then on foot for the said prince and the daughter of France would break; and that she the said daughter of France should be married to Angolesme, that was the heir apparent of France.

There was a touch also of a speech of marriage between Ferdinando and madame de Fois, a lady of the blood of France, which afterwards indeed succeeded. But this was reported as learned in France, and silenced in Spain.

The king by the return of this ambassage, which gave great light unto his affairs, was well instructed, and prepared how to carry himself between Ferdinando king of Aragon and Philip his son-in-law king of Castile; resolving with himself to do all that in him lay, to keep them at one within themselves; but howsoever that succeeded, by a moderate carriage, and bearing the person of a common friend, to lose neither of their friendships; but yet to run a course more entire with the king of Aragon, but more laboured and officious with the king of Castile. But he was much taken with the overture of marriage with his daughter Mary; both because it was the greatest marriage of christendom, and for that it took hold of both allies.

But to corroborate his alliance with Philip, the winds gave him an interview: for Philip choosing the winter season, the better to surprise the king of Aragon, set forth with a great navy out of Flanders for Spain, in the month of January, the one and twentieth year of the king's reign. But himself was surprised with a cruel tempest, that scattered his ships upon the several coasts of England. And the ship wherein the king and queen were, with two other small barks only, torn and in great peril, to escape the fury of the weather, thrust into Weymouth. King Philip himself, having not been used, as it seems, to sea, all wearied and extreme sick, would needs land to refresh his spirits, though it was against the opinion of his council, doubting it might breed delay, his occasions requiring celerity.

The rumour of the arrival of a puissant navy upon the coast, made the country arm. And Sir Thomas Trenchard, with forces suddenly raised, not knowing what the matter might be, came to Weymouth. Where understanding the accident, he did in all humbleness and humanity invite the king and queen to his house; and forthwith despatched posts to the court. Soon after came Sir John Carew likewise, with a great troop of men well armed; using the like humbleness and respects towards the king, when he knew the case. King Philip doubting that they being but subjects, durst not let him pass away again without the king's notice and leave, yielded to their entreaties to stay till they heard from the court. The king, as soon as he heard the news, commanded presently the earl of Arundel to go to visit the king of Castile, and let him understand that as he was very sorry for his mishap, so he was glad that he had escaped the danger of the seas, and likewise of the occasion himself had to do him honour; and desiring him to think himself as in his own land; and that the king made all haste possible to come and embrace him. The earl came to him in great magnificence, with a brave troop of

three hundred horse; and, for more state, came by torch-light. After he had done the king's message, king Philip seeing how the world went, the sooner to get away, went upon speed to the king at Windsor, and his queen followed by easy journeys. The two kings at their meeting used all the caresses and loving demonstrations that were possible. And the king of Castile said pleasantly to the king, "That he was now punished for that he would not come within his walled town of Calais, when they met last." But the king answered, "That walls and seas were nothing where hearts were open; and that he was here no otherwise but to be served." After a day or two's refreshing, the kings entered into speech of renewing the treaty; the kings saying, that though king Philip's person were the same, yet his fortunes and state were raised: in which case a renovation of treaty was used amongst princes. But while these things were in handling, the king choosing a fit time, and drawing the king of Castile into a room, where they two only were private, and laying his hand civilly upon his arm, and changing his countenance a little from a countenance of entertainment, said to him, "Sir, you have been saved upon my coast, I hope you will not suffer me to wreck upon yours." The king of Castile asked him what he meant by that speech? "I mean it," saith the king, "by that same harebrain wild fellow, my subject, the earl of Suffolk, who is protected in your country, and begins to play the fool, when all others are weary of it." The king of Castile answered, "I had thought, Sir, your felicity had been above those thoughts: but if it trouble you, I will banish him." The king replied, "Those hornets were best in their nest, and worst when they did fly abroad; and that his desire was to have him delivered to him." The king of Castile herewith a little confused, and in a study, said, "That can I not do with my honour, and less with yours; for you will be thought to have used me as a prisoner." The king presently said, "Then the matter is at an end, for I will take that dishonour upon me, and so your honour is saved." The king of Castile, who had the king in great estimation, and besides remembered where he was, and knew not what use he might have of the king's amity, for that himself was new in his estate of Spain, and unsettled both with his father-in-law and with his people, composing his countenance, said, "Sir, you give law to me, but so will I to you. You shall have him, but, upon your honour, you shall not take his life." The king embracing him said, "Agreed." Saith the king of Castile, "Neither shall it dislike you, if I send to him in such a fashion, as he may partly come with his own good will." The king said, "It was well thought of; and if it pleased him, he would join with him, in sending to the earl a message to that purpose." They both sent severally, and meanwhile they continued feasting and pastimes. The king being, on his part, willing to have the earl sure before the king of Castile went; and the king of Castile being as willing to seem to be enforced. The king also, with many wise and excellent persuasions, did advise the king of Castile to be ruled by the counsel of his father-in-law Ferdinando; a prince so prudent, so experienced, so fortunate. The king of Castile, who was in no very good terms with his said father-in-law, answered, "That if his father-in-law would suffer him to govern his kingdoms, he should govern him."

There were immediately messengers sent from both kings, to recall the earl of Suffolk; who upon gentle words used to him was soon charmed, and willing enough to return; assured of his life, and hoping of his liberty. He was brought through Flanders to Calais, and thence landed at Dover, and with sufficient guard delivered and received at the Tower of London. Meanwhile king Henry, to draw out the time, continued his feastings and entertainments, and after he had received the king of Castile into the fraternity of the Garter, and for a reciprocal had his son the prince admitted to the order of the Golden Fleece, he accompanied king Philip and his queen to the city of London; where they were entertained with the greatest magnificence and triumph, that could be upon no greater warning. And as soon as the earl of Suffolk had been conveyed to the Tower, which was the serious part, the jollities had an end, and the kings took leave. Nevertheless during their being here, they in substance concluded that treaty, which the Flemings term "intercursus malus," and bears date at Windsor: for there be some things in it, more to the advantage of the English, than of them; especially, for that the free-fishing of the Dutch upon the coasts and seas of England, granted in the treaty of "undecimo," was not by this treaty confirmed. All articles that confirm former treaties being precisely and warily limited and confirmed to matter of commerce only, and not otherwise.

It was observed, that the great tempest which drove Philip into England, blew down the golden eagle from the spire of Paul's, and in the fall it fell upon a sign of the black eagle, which was in Paul's church-yard, in the place where the school-house now standeth, and battered it, and brake it down: which was a strange stooping of a hawk upon a fowl. This the people interpreted to be an ominous prognostic upon the imperial house, which was, by interpretation also, fulfilled upon Philip the emperor's son, not only in the present disaster of the tempest, but in that that followed. For Philip arriving into Spain, and attaining the possession of the kingdom of Castile without resistance, insomuch as Ferdinando, who had spoke so great before, was with difficulty admitted to the speech of his son-in-law, sickened soon after, and deceased. Yet after such time, as there was an observation by the wisest of that court, that if he had lived, his father would have gained upon him in that sort, as he would have governed his councils and designs, if not his affections. By this all Spain returned into the power of Ferdinando in state as it was before; the rather, in regard of the infirmity of Joan his daughter, who loving her husband, by whom she had many children, dearly well, and no less beloved of him, howsoever her father, to make Philip ill-beloved of the people of Spain, gave out that Philip used her not well,

was unable in strength of mind to bear the grief of his decease, and fell distracted of her wits. Of which malady her father was thought no ways to endeavour the cure, the better to hold his legal power in Castile. So that as the felicity of Charles the eighth was said to be a dream; so the adversity of Ferdinando was said likewise to be a dream, it passed over so soon.

About this time the king was desirous to bring into the house of Lancaster celestial honour, and became suitor to pope Julius, to canonize king Henry the sixth for a saint; the rather, in respect of that his famous prediction of the king's own assumption to the crown. Julius referred the matter, as the manner is, to certain cardinals, to take the verification of his holy acts and miracles: but it died under the reference. The general opinion was, that pope Julius was too dear, and that the king would not come to his rates. But it is more probable, that that pope, who was extremely jealous of the dignity of the see of Rome, and of the acts thereof, knowing that king Henry the sixth was reputed in the world abroad but for a simple man, was afraid it would but diminish the estimation of that kind of honour, if there were not a distance kept between innocents and saints.

The same year likewise there proceeded a treaty of marriage between the king and the lady Margaret duchess dowager of Savoy, only daughter to Maximilian, and sister to the king of Castile; a lady wise, and of great good fame. This matter had been in speech between the two kings at their meeting, but was soon after resumed; and therein was employed for his first piece the king's then chaplain, and after the great prelate, Thomas Wolsey. It was in the end concluded, with great and ample conditions for the king, but with promise *de futuro* only. It may be the king was the rather induced unto it, for that he had heard more and more of the marriage to go on between his great friend and ally Ferdinando of Aragon, and madame de Fois, whereby that king began to piece with the French king, from whom he had been always before severed. So fatal a thing it is, for the greatest and straitest amities of kings at one time or other, to have a little of the wheel: nay, there is a farther tradition in Spain, though not with us, that the king of Aragon, after he knew that the marriage between Charles the young prince of Castile and Mary the king's second daughter went roundly on, which though it was first moved by the king of Aragon, yet it was afterwards wholly advanced and brought to perfection by Maximilian, and the friends on that side, entered into a jealousy, that the king did aspire to the government of Castilia, as administrator during the minority of his son-in-law; as if there should have been a competition of three for that government; Ferdinando, grandfather on the mother's side; Maximilian, grandfather on the father's side; and king Henry, father-in-law to the young prince. Certainly it is not unlike, but the king's government, carrying the young prince with him, would have been perhaps more welcome to the Spaniards than that of the other two. For the nobility of Castilia, that so lately put out the king of Aragon in favour of king Philip, and had discovered themselves so far, could not be but in a secret distrust and distaste of that king. And as for Maximilian, upon twenty respects he could not have been the man. But this purpose of the king's seemeth to me, considering the king's safe courses, never found to be enterprising or adventurous, not greatly probable, except he should have had a desire to breathe warmer, because he had ill lungs. This marriage with Margaret was protracted from time to time, in respect of the infirmity of the king, who now in the two and twentieth of his reign began to be troubled with the gout: but the defluxion taking also into his breast, wasted his lungs, so that thrice in a year, in a kind of return, and especially in the spring, he had great fits and labours of the phthisic: nevertheless, he continued to intend business with as great diligence, as before in his health: yet so, as upon this warning he did likewise now more seriously think of the world to come, and of making himself a saint, as well as king Henry the sixth, by treasure better employed, than to be given to pope Julius: for this year he gave greater alms than accustomed, and discharged all prisoners about the city, that lay for fees or debts under forty shillings. He did also make haste with religious foundations; and in the year following, which was the three and twentieth, finished that of the Savoy. And hearing also of the bitter cries of his people against the oppressions of Dudley and Empson, and their complices; partly by devout persons about him, and partly by public sermons, the preachers doing their duty therein, he was touched with great remorse for the same. Nevertheless Empson and Dudley, though they could not but hear of these scruples in the king's conscience; yet, as if the king's soul and his money were in several offices, that the one was not to intermeddle with the other, went on with as great rage as ever. For the same three and twentieth year was there a sharp prosecution against Sir William Capel now the second time; and this was for matters of misgovernment in his mayoralty: the great matter being, that in some payments he had taken knowledge of false moneys, and did not his diligence to examine and beat it out, who were the offenders. For this and some other things laid to his charge, he was condemned to pay two thousand pounds; and being a man of stomach, and hardened by his former troubles, refused to pay a mite; and belike used some untoward speeches of the proceedings, for which he was sent to the Tower, and there remained till the king's death. Knesworth likewise, that had been lately mayor of London, and both his sheriffs, were for abuses in their offices questioned, and imprisoned, and delivered upon one thousand four hundred pounds paid. Hawis, an alderman of London, was put in trouble, and died with thought and anguish, before his business came to an end. Sir Lawrence Ailmer, who had likewise been mayor of London, and his two sheriffs, were put to the fine of one thousand pounds. And Sir Lawrence, for refusing to make payment, was committed to prison, where he stayed till Empson himself was committed in his place.

It is no marvel, if the faults were so light, and the rates so heavy, that the king's treasure of store, that he left at his death, most of it in secret places, under his own key and keeping, at Richmond, amounted, as by tradition it is reported to have done, unto the sum of near eighteen hundred thousand pounds sterling; a huge mass of money even for these times.

The last act of state that concluded this king's temporal felicity, was the conclusion of a glorious match between his daughter Mary, and Charles prince of Castile, afterwards the great emperor, both being of tender years: which treaty was perfected by bishop Fox, and other his commissioners at Calais, the year before the king's death. In which alliance, it seemeth, he himself took so high contentment, as in a letter which he wrote thereupon to the city of London, commanding all possible demonstrations of joy to be made for the same, he expresseth himself, as if he thought he had built a wall of brass about his kingdom: when he had for his sons-in-law, a king of Scotland, and a prince of Castile and Burgundy. So as now there was nothing to be added to this great king's felicity, being at the top of all worldly bliss, in regard of the high marriages of his children, his great renown throughout Europe, and his scarce credible riches, and the perpetual constancy of his prosperous successes, but an opportune death, to withdraw him from any future blow of fortune: which certainly (in regard of the great hatred of his people, and the title of his son, being then come to eighteen years of age, and being a bold prince and liberal, and that gained upon the people by his very aspect and presence) had not been impossible to have come upon him.

To crown also the last year of his reign, as well as his first, he did an act of piety, rare, and worthy to be taken into imitation. For he granted forth a general pardon: as expecting a second coronation in a better kingdom. He did also declare in his will, that his mind was, that restitution should be made of those sums which had been unjustly taken by his officers.

And thus this Solomon of England, for Solomon also was too heavy upon his people in exactions, having lived two and fifty years, and thereof reigned three and twenty years, and eight months, being in perfect memory, and in a most blessed mind, in a great calm of a consuming sickness passed to a better world, the two and twentieth of April 1508, at his palace of Richmond, which himself had built.

This king, to speak of him in terms equal to his deserving, was one of the best sort of wonders; a wonder for wise men. He had parts, both in his virtues and his fortune, not so fit for a common-place, as for observation. Certainly he was religious, both in his affection and observance. But as he could see clear, for those times, through superstition, so he would be blinded, now and then, by human policy. He advanced churchmen: he was tender in the privilege of sanctuaries, though they wrought him much mischief. He built and endowed many religious foundations, besides his memorable hospital of the Savoy; and yet was he a great almsgiver in secret; which showed, that his works in public were dedicated rather to God's glory than his own.

He professed always to love and seek peace; and it was his usual preface in his treaties, that when Christ came into the world, peace was sung; and when he went out of the world, peace was bequeathed. And this virtue could not proceed out of fear or softness, for he was valiant and active, and therefore, no doubt, it was truly christian and moral. Yet he knew the way to peace was not to seem to be desirous to avoid wars: therefore would he make offers and fames of wars, till he had mended the conditions of peace. It was also much, that one that was so great a lover of peace, should be so happy in war. For his arms, either in foreign or civil wars, were never unfortunate; neither did he know what a disaster meant. The war of his coming in, and the rebellions of the earl of Lincoln, and the lord Audley, were ended by victory. The wars of France and Scotland, by peaces sought at his hands. That of Britain, by accident of the duke's death. The insurrection of the lord Lovel, and that of Perkin at Exeter, and in Kent, by flight of the rebels before they came to blows. So that his fortune of arms was still inviolate: the rather sure, for that in the quenching of the commotions of his subjects, he ever went in person: sometimes reserving himself to back and second his lieutenants, but ever in action; and yet that was not merely forwardness, but partly distrust of others.

He did much maintain and countenance his laws; which, nevertheless, was no impediment to him to work his will: for it was so handled, that neither prerogative nor profit went to diminution. And yet as he would sometimes strain up his laws to his prerogative, so would he also let down his prerogative to his parliament. For mint, and wars, and martial discipline, things of absolute power, he would nevertheless bring to parliament. Justice was well administered in his time, save where the king was party; save also, that the council-table intermeddled too much with *meum* and *tuum*. For it was a very court of justice during his time, especially in the beginning; but in that part both of justice and policy, which is the durable part, and cut, as it were, in brass or marble, which is the making of good laws, he did excel. And with his justice, he was also a merciful prince: as in whose time, there were but three of the nobility that suffered; the earl of Warwick, the lord chamberlain, and the lord Audley: though the first two were instead of numbers, in the dislike and obloquy of the people. But there were never so great rebellions expiated with so little blood, drawn by the hand of justice, as the two rebellions of Blackheath and Exeter. As for the severity used upon those which were taken in Kent, it was but upon a scum of people. His pardons went ever both before and after his sword. But then he had withal a strange kind of interchanging of large and unexpected pardons, with severe executions; which, his wisdom considered, could not be imputed to any inconstancy or inequality;

but either to some reason which we do not now know, or to a principle he had set unto himself, that he would vary, and try both ways in turn. But the less blood he drew, the more he took of treasure. And as some construed it, he was the more sparing in the one, that he might be the more pressing in the other; for both would have been intolerable. Of nature assuredly he coveted to accumulate treasure, and was a little poor in admiring riches. The people, into whom there is infused, for the preservation of monarchies, a natural desire to discharge their princes, though it be with the unjust charge of their counsellors and ministers, did impute this unto cardinal Morton and Sir Reginald Bray, who, as it after appeared, as counsellors of ancient authority with him, did so second his humours, as nevertheless they did temper them. Whereas Empson and Dudley that followed, being persons that had no reputation with him, otherwise than by the servile following of his bent, did not give way only, as the first did, but shape him way to those extremities, for which himself was touched with remorse at his death, and which his successor renounced, and sought to purge. This excess of his had at that time many glosses and interpretations. Some thought the continual rebellions wherewith he had been vexed, had made him grow to hate his people: some thought it was done to pull down their stomachs, and to keep them low: some, for that he would leave his son a golden fleece: some suspected he had some high design upon foreign parts: but those perhaps shall come nearest the truth, that fetch not their reasons so far off; but rather impute it to nature, age, peace, and a mind fixed upon no other ambition or pursuit. Whereunto I should add, that having every day occasion to take notice of the necessities and shifts for money of other great princes abroad, it did the better, by comparison, set off to him the felicity of full coffers. As to his expending of treasure, he never spared charge which his affairs required; and in his buildings was magnificent, but his rewards were very limited: so that his liberality was rather upon his own state and memory, than upon the deserts of others.

He was of a high mind, and loved his own will, and his own way; as one that revered himself, and would reign indeed. Had he been a private man, he would have been termed proud. But in a wise prince, it was but keeping of distance, which indeed he did towards all; not admitting any near or full approach, either to his power, or to his secrets, for he was governed by none. His queen, notwithstanding she had presented him with divers children, and with a crown also, though he would not acknowledge it, could do nothing with him. His mother he reverenced much, heard little. For any person agreeable to him for society, such as was Hastings to king Edward the fourth, or Charles Brandon after to king Henry the eighth, he had none: except we should account for such persons, Fox, and Bray, and Empson, because they were so much with him; but it was but as the instrument is much with the workman. He had nothing in him of vain-glory, but yet kept state and majesty to the height; being sensible, that majesty maketh the people bow, but vain-glory boweth to them.

To his confederates abroad he was constant and just, but not open. But rather such was his inquiry, and such his closeness, as they stood in the light towards him, and he stood in the dark to them. Yet without strangeness, but with a semblance of mutual communication of affairs. As for little envies, or emulations upon foreign princes, which are frequent with many kings, he had never any; but went substantially to his own business. Certain it is, that though his reputation was great at home, yet it was greater abroad. For foreigners that could not see the passages of affairs, but made their judgments upon the issues of them, noted that he was ever in strife, and ever aloft. It grew also from the airs which the princes and states abroad received from their ambassadors and agents here; which were attending the court in great number: whom he did not only content with courtesy, reward, and privateness; but, upon such conferences as passed with them, put them in admiration, to find his universal insight into the affairs of the world: which though he did suck chiefly from themselves, yet that which he had gathered from them all, seemed admirable to every one. So that they did write ever to their superiors in high terms, concerning his wisdom and art of rule: nay, when they were returned, they did commonly maintain intelligence with him. Such a dexterity he had to impropriate to himself all foreign instruments.

He was careful and liberal to obtain good intelligence from all parts abroad: wherein he did not only use his interest in the liegers here, and his pensioners, which he had both in the court of Rome, and other the courts of christendom; but the industry and vigilance of his own ambassadors in foreign parts. For which purpose his instructions were ever extreme curious and articulate; and in them more articles touching inquisition, than touching negotiation: requiring likewise from his ambassadors an answer, in particular distinct articles, respectively to his questions.

As for his secret spials, which he did employ both at home and abroad, by them to discover what practices and conspiracies were against him, surely his case required it; he had such moles perpetually working and casting to undermine him. Neither can it be reprehended; for if spials be lawful against lawful enemies, much more against conspirators and traitors. But indeed to give them credence by oaths or curses, that cannot be well maintained; for those are too holy vestments for a disguise. Yet surely there was this farther good in his employing of these flies and familiars; that as the use of them was cause that many conspiracies were revealed, so the fame and suspicion of them kept, no doubt, many conspiracies from being attempted.

Towards his queen he was nothing uxorious, nor scarce indulgent; but companiable and respective, and without jealousy. Towards his children he was full of paternal affection, careful of their education, aspiring to their high advancement, regular to see that they should not want of any due honour

and respect, but not greatly willing to cast any popular lustre upon them.

To his council he did refer much, and sat oft in person; knowing it to be the way to assist his power, and inform his judgment. In which respect also he was fairly patient of liberty, both of advice, and of vote, till himself were declared. He kept a strait hand on his nobility, and chose rather to advance clergymen and lawyers, which were more obsequious to him, but had less interest in the people; which made for his absoluteness, but not for his safety. Insomuch as, I am persuaded, it was one of the causes of his troublesome reign; for that his nobles, though they were loyal and obedient, yet did not co-operate with him, but let every man go his own way. He was not afraid of an able man, as Lewis the eleventh was: but contrariwise, he was served by the ablest men that were to be found; without which his affairs could not have prospered as they did. For war, Bedford, Oxford, Surrey, D'Aubigny, Brooke, Poynings: for other affairs, Morton, Fox, Bray, the prior of Lanthony, Warham, Urswick, Hussey, Frowick, and others. Neither did he care how cunning they were that he did employ; for he thought himself to have the master-reach. And as he chose well, so he held them up well; for it is a strange thing, that though he were a dark prince, and infinitely suspicious, and his times full of secret conspiracies and troubles; yet in twenty-four years' reign, he never put down, or discomposed counsellor, or near servant, save only Stanley the lord chamberlain. As for the disposition of his subjects in general towards him, it stood thus with him; that of the three affections, which naturally tie the hearts of the subjects to their sovereigns, love, fear, and reverence, he had the last in height, the second in good measure, and so little of the first, as he was beholden to the other two.

He was a prince, sad, serious, and full of thoughts, and secret observations, and full of notes and memorials of his own hand, especially touching persons. As, whom to employ, whom to reward, whom to inquire of, whom to beware of, what were the dependencies, what were the factions, and the like; keeping, as it were, a journal of his thoughts. There is to this day a merry tale; that his monkey, set on as it was thought by one of his chamber, tore his principal note-book all to pieces, when by chance it lay forth: whereat the court, which liked not those pensive accounts, was almost tickled with sport.

He was indeed full of apprehensions and suspicions; but as he did easily take them, so he did easily check them and master them; whereby they were not dangerous, but troubled himself more than others. It is true, his thoughts were so many, as they could not well always stand together; but that which did good one way, did hurt another. Neither did he at sometimes weigh them aright in their proportions. Certainly, that rumour which did him so much mischief, that the duke of York should be saved, and alive, was, at the first, of his own nourishing; because he would have more reason not to reign in the right of his wife. He was affable, and both well and fair spoken; and would use strange sweetness and blandishments of words, where he desired to effect or persuade any thing that he took to heart. He was rather studious than learned; reading most books that were of any worth, in the French tongue, yet he understood the Latin, as appeareth in that cardinal Hadrian and others, who could very well have written French, did use to write to him in Latin.

For his pleasures, there is no news of them; and yet by his instructions to Marsin and Stile, touching the queen of Naples, it seemeth he could interrogate well touching beauty. He did by pleasures, as great princes do by banquets, come and look a little upon them, and turn away. For never prince was more wholly given to his affairs, nor in them more of himself: insomuch as in triumphs of justs and tourneys, and balls, and masks, which they then called disguises, he was rather a princely and gentle spectator, than seemed much to be delighted.

No doubt, in him, as in all men, and most of all in kings, his fortune wrought upon his nature, and his nature upon his fortune. He attained to the crown, not only from a private fortune, which might endow him with moderation; but also from the fortune of an exiled man, which had quickened in him all seeds of observation and industry. And his times being rather prosperous than calm, had raised his confidence by success, but almost marred his nature by troubles. His wisdom, by often evading from perils, was turned rather into a dexterity to deliver himself from dangers, when they pressed him, than into a providence to prevent and remove them afar off. And even in nature, the sight of his mind was like some sights of eyes; rather strong at hand, than to carry afar off. For his wit increased upon the occasion: and so much the more, if the occasion were sharpened by danger. Again, whether it were the shortness of his foresight, or the strength of his will, or the dazzling of his suspicions, or what it was; certain it is, that the perpetual troubles of his fortunes, there being no more matter out of which they grew, could not have been without some great defects and main errors in his nature, customs, and proceedings, which he had enough to do to save and help with a thousand little industries and watches. But those do best appear in the story itself. Yet take him with all his defects, if a man should compare him with the kings his concurrents in France, and Spain, he shall find him more politic than Lewis the twelfth of France, and more entire and sincere than Ferdinando of Spain. But if you shall change Lewis the twelfth for Lewis the eleventh, who lived a little before, then the consort is more perfect. For that Lewis the eleventh, Ferdinando, and Henry, may be esteemed for the *tres magi* of kings of those ages. To conclude, if this king did no greater matters, it was long of himself: for what he minded he compassed.

He was a comely personage, a little above just stature, well and straight limbed, but slender. His countenance was reverend, and a little like a churchman: and as it was not strange or dark, so neither was it winning or pleasing, but as the face of one

well disposed. But it was to the disadvantage of the painter, for it was best when he spake.

His worth may bear a tale or two, that may put upon him somewhat that may seem divine. When the lady Margaret his mother had divers great suitors for marriage, she dreamed one night, that one in the likeness of a bishop in pontifical habit did tender her Edmund earl of Richmond, the king's father, for her husband, neither had she ever any child but the king, though she had three husbands. One day when king Henry the sixth, whose innocency gave him holiness, was washing his hands at a great feast, and cast his eye upon king Henry, then a young youth, he said; "This is the lad that shall possess quietly that, that we now strive for." But that, that was truly divine in him, was that he had the fortune of a true christian, as well as of a great king, in living exercised, and dying repentant: so as he had a happy warfare in both conflicts, both of sin, and the cross.

He was born at Pembroke castle, and lieth buried at Westminster, in one of the stateliest and daintiest monuments of Europe, both for the chapel, and for the sepulchre. So that he dwelleth more richly dead, in the monument of his tomb, than he did alive in Richmond, or any of his palaces. I could wish he did the like in this monument of his fame.

THE HISTORY OF THE REIGN

OF

KING HENRY THE EIGHTH.

After the decease of that wise and fortunate king, Henry the seventh, who died in the height of his prosperity, there followed, as useth to do, when the sun setteth so exceeding clear, one of the fairest mornings of a kingdom that hath been known in this land, or any where else. A young king, about eighteen years of age, for stature, strength, making, and beauty, one of the goodliest persons of his time. And though he were given to pleasure, yet he was likewise desirous of glory; so that there was a passage open in his mind, by glory, for virtue. Neither was he unadorned with learning, though therein he came short of his brother Arthur. He had never any the least pique, difference, or jealousy with the king his father, which might give any occasion of altering court or council upon the change; but all things passed in a still. He was the first heir of the white and red rose; so that there was no discontented party now left in the kingdom, but all men's hearts turned towards him: and not only their hearts, but their eyes also; for he was the only son of the kingdom. He had no brother; which though it be a comfortable thing for kings to have, yet it draweth the subjects' eyes a little aside. And yet being a married man in those young years, it promised hope of speedy issue to succeed in the crown. Neither was there any queen mother, who might share any way in the government, or clash with his counsellors for authority, while the king intended his pleasure. No such thing as any great and mighty subject, who might any way eclipse or overshade the imperial power. And for the people and state in general, they were in such lowness of obedience, as subjects were like to yield, who had lived almost four and twenty years under so politic a king as his father; being also one who came partly in by the sword; and had so high a courage in all points of regality; and was ever victorious in rebellions and seditions of the people. The crown extremely rich and full of treasure, and the kingdom like to be so in a short time. For there was no war, no dearth, no stop of trade, or commerce; it was only the crown which had sucked too hard, and now being full, and upon the head of a young king, was like to draw less. Lastly, he was inheritor of his father's reputation, which was great throughout the world. He had strait alliance with the two neighbour states, an ancient enemy in former times, and an ancient friend, Scotland and Burgundy. He had peace and amity with France, under the assurance, not only of treaty and league, but of necessity and inability in the French to do him hurt, in respect that the French king's designs where wholly bent upon Italy; so that it may be truly said, there had scarcely been seen, or known, in many ages, such a rare concurrence of signs and promises, and of a happy and flourishing reign to ensue, as were now met in this young king, called after his father's name, Henry the eighth.

THE BEGINNING

OF THE

HISTORY OF GREAT BRITAIN.

By the decease of Elizabeth, queen of England, the issues of king Henry the eighth failed, being spent in one generation, and three successions. For that king, though he were one of the goodliest persons of his time, yet he left only by his six wives three children; who reigning successively, and dying childless, made place to the line of Margaret, his eldest sister, married to James the fourth king of Scotland. There succeeded therefore to the kingdom of England, James the sixth, then king of Scotland, descended of the same Margaret both by father and mother: so that by a rare event in the pedigrees of kings, it seemed as if the Divine Providence, to extinguish and take away all envy and note of a stranger, had doubled upon his person, within the circle of one age, the royal blood of England, by both parents. This succession drew towards it the eyes of all men, being one of the most memorable accidents that had happened a long time in the christian world. For the kingdom of France having been reunited in the age before in all the provinces thereof formerly dismembered; and the kingdom of Spain being, of more fresh memory, united and made entire, by the annexing of Portugal in the person of Philip the second; there remained but this third and last union, for the counterpoising of the power of these three great monarchies; and the disposing of the affairs of Europe thereby to a more assured and universal peace and concord. And this event did hold men's observations and discourses the more, because the island of Great Britain, divided from the rest of the world, was never before united in itself under one king, notwithstanding the people be of one language, and not separate by mountains or great waters; and notwithstanding also that the uniting of them had been in former times industriously attempted both by war and treaty. Therefore it seemed a manifest work of Providence, and a case of reservation for these times; insomuch that the vulgar conceived that now there was an end given, and a consummation to superstitious prophecies, the belief of fools, but the talk sometimes of wise men, and to an ancient tacit expectation, which had by tradition been infused and inveterated into men's minds. But as the best divinations and predictions are the politic and probable foresight and conjectures of wise men, so in this matter the providence of king Henry the seventh was in all men's mouths; who being one of the deepest and most prudent princes of the world, upon the deliberation concerning the marriage of his eldest daughter into Scotland, had, by some speech uttered by him, showed himself sensible and almost prescient of this event.

Neither did there want a concurrence of divers rare external circumstances, besides the virtues and condition of the person, which gave great reputation to this succession. A king in the strength of his years, supported with great alliances abroad, established with royal issue at home, at peace with all the world, practised in the regiment of such a kingdom, as might rather enable a king by variety of accidents, than corrupt him with affluence or vainglory; and one that besides his universal capacity and judgment, was notably exercised and practised in matters of religion and the church: which in these times, by the confused use of both swords, are become so intermixed with considerations of estate, as most of the counsels of sovereign princes or republics depend upon them: but nothing did more fill foreign nations with admiration and expectation of his succession, than the wonderful and, by them, unexpected consent of all estates and subjects of England, for the receiving of the king without the least scruple, pause, or question. For it had been generally dispersed by the fugitives beyond the seas, who, partly to apply themselves to the ambition of foreigners, and partly to give estimation and value to their own employments, used to represent the state of England in a false light, that after queen Elizabeth's decease there must follow in England nothing but confusions, interreigns, and perturbations of estate, likely far to exceed the ancient calamities of the civil wars between the houses of Lancaster and York, by how much more the dissensions were like to be more mortal and bloody, when foreign competition should be added to domestical; and divisions for religion to matter of title to the crown. And in special, Parsons the Jesuit, under a disguised name, had not long before published an express treatise, wherein, whether his malice made him believe his own fancies, or whether he thought it the fittest way to move sedition, like evil spirits, which seem to foretell the tempest they mean to move; he laboured to display and give colour to all the vain pretences and dreams of succession which he could imagine; and thereby had possessed many abroad that knew not the affairs here with those his vanities. Neither wanted there here within this realm, divers persons both wise and well affected, who, though they doubted not of the undoubted right, yet setting before themselves the waves of people's hearts, guided no less by sudden and temporary winds, than by the natural course and motion of the waters, were not without fear what might be the event. For queen Elizabeth being a princess of extreme caution, and yet one that loved admiration

above safety; and knowing the declaration of a successor might in point of safety be disputable, but in point of admiration and respect assuredly to her disadvantage; had from the beginning set it down for a maxim of estate, to impose a silence touching succession. Neither was it only reserved as a secret of estate, but restrained by severe laws, that no man should presume to give opinion, or maintain argument touching the same: so, though the evidence of right drew all the subjects of the land to think one thing; yet the fear of danger of law made no man privy to others' thought. And therefore it rejoiced all men to see so fair a morning of a kingdom, and to be thoroughly secured of former apprehensions; as a man that awaketh out of a fearful dream. But so it was, that not only the consent, but the applause and joy was infinite, and not to be expressed, throughout the realm of England upon this succession: whereof the consent, no doubt, may be truly ascribed to the clearness of the right; but the general joy, alacrity, and gratulation, were the effects of differing causes. For queen Elizabeth, although she had the use of many both virtues and demonstrations, that might draw and knit unto her the hearts of her people; yet nevertheless carrying a hand restrained in gift, and strained in points of prerogative, could not answer the votes either of servants, or subjects to a full contentment; especially in her latter days, when the continuance of her reign, which extended to five and forty years, might discover in people their natural desire and inclination towards change: so that a new court and a new reign were not to many unwelcome. Many were glad, and especially those of settled estate and fortune, that the fears and uncertainties were overblown, and that the die was cast. Others, that had made their way with the king, or offered their service in the time of the former queen, thought now the time was come for which they had prepared: and generally all such as had any dependence upon the late earl of Essex, who had mingled the service of his own ends with the popular pretence of advancing the king's title, made account their cause was amended. Again, such as might misdoubt they had given the king any occasion of distaste, did contend by their forwardness and confidence to show, it was but their fastness to the former government, and that those affections ended with the time. The papists nourished their hopes, by collating the case of the papists in England, and under queen Elizabeth, and the case of the papists in Scotland under the king: interpreting that the condition of them in Scotland was the less grievous, and divining of the king's government here accordingly; besides the comfort they ministered to themselves from the memory of the queen his mother. The ministers, and those which stood for the presbytery, thought their cause had more sympathy with the discipline of Scotland than the hierarchy of England, and so took themselves to be a degree nearer their desires. Thus had every condition of persons some contemplation of benefit, which they promised themselves; over-reaching perhaps, according to the nature of hope, but yet not without some probable ground of conjecture. At which time also there came forth in print the king's book, entitled, Βασιλικὸν Δῶρον: containing matter of instruction to the prince his son touching the office of a king: which book falling into every man's hand, filled the whole realm, as with a good perfume or incense, before the king's coming in; for being excellently written, and having nothing of affectation, it did not only satisfy better than particular reports touching the king's disposition, but far exceeded any formal or curious edict or declaration, which could have been devised of that nature, wherewith princes in the beginning of their reigns do use to grace themselves, or at least express themselves gracious in the eyes of their people. And this was for the general the state and constitution of men's minds upon this change: the actions themselves passed in this manner.

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The rest is wanting.

END OF VOL. I.

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